

1933-213

Nansemond County (Suffolk)

Chancery Causes: [Fidelity & Deposit Co
of Maryland]

vs

D. C. Stebbins & Lydia A. Stebbins by
Lyon, Saunders, Oliver, Folder 1 of 2
Carter, Hartman

249.A

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Fidelity and Deposit Company of Maryland,
a Corporation,

Complainant,

v.

REPORT OF COMMISSIONER IN CHANCERY

D. C. Stebbins; Lydia A. Stebbins, an
insane person; and D. C. Lyon, Committee
of said Lydia A. Stebbins,

Defendants.

TO THE HONORABLE JAMES L. McLEMORE, JUDGE OF SAID COURT:

The undersigned, William M. Birdsong, Commissioner in Chancery for the Circuit Court of Nansemond County, having had referred to him for report a decree in the above-styled matter entered on the 28th day of May, 1932, duly gave notice that on the 8th day of February, 1933, at the office of G. A. Harris, in The National Bank of Suffolk Building, Suffolk, Virginia, between the hours of Ten A. M. and Five P. M., he would take and settle the inquiries called for in the said decree, which said notice is returned herewith.

In pursuance of said decree, and in conformity with said notice, your Commissioner attended at the time and place stated in said notice, and on motion of D. C. Stebbins the hearing was continued to the 15th day of February, 1933, at which time your Commissioner attended and took the depositions of D. C. Lyon, T. J. Saunders, S. C. Oliver and D. C. Stebbins; and on the 23rd day of April, 1933, at Three O'Clock P. M., at the office of the Commissioner, in Suffolk, Virginia, your Commissioner took the depositions of Mrs. James T. Carter and F. H. Hartman. The depositions of the aforesaid witnesses are filed herewith and made a part of this report; and your Commis-

sioner reports the several inquiries as follows:

(1) That D. C. Stebbins is seized and possessed of an undivided one-half(1/2) interest in a certain tract of land containing One Hundred (100) Acres, more or less, located in Chuckatuck Magisterial District, and described in the Complainant's Bill; that the fee simple value of the said property is between One Thousand (\$1,000.00) Dollars and Twelve Hundred (\$1,200.00) Dollars; that the annual value is between Seventy-five (\$75.00) Dollars and One Hundred (\$100.00) Dollars.

(2) That all taxes have been paid on the aforesaid property with the exception of the taxes for the year 1932, and it is estimated that the taxes for the year 1932 on the entire tract will be Thirty (\$30.00) Dollars.

(3) That The Fidelity and Deposit Company of Maryland secured a judgment against D. C. Stebbins in the Circuit Court of Princess Anne County on October 9th, 1931, in the amount of \$1,386.14, with interest from the 9th day of October, 1931, until paid, together with \$132.50 costs; that an abstract of the aforesaid judgment is duly docketed in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in Judgment Book No. 6, at page 25; that the aforesaid abstract was docketed on October 13th, 1931. Your Commissioner reports that the aforesaid judgment constitutes the first lien on the undivided one-half (1/2) interest in the aforesaid property of D. C. Stebbins.

(4) That the rents and profits from the said real estate of the Defendant, D. C. Stebbins, will not, in five (5) years, pay the lien of The Fidelity and Deposit Company of Maryland.

(5) That the real estate mentioned and described in the Bill of Complaint filed herein is not susceptible of partition in kind, and your Commissioner reports that it is proper and to the interest of all parties to order a sale of the whole of the said real estate, and that division of the proceeds of the sale should be made between the parties entitled thereto.

(6) That the One Hundred (100) acre tract of land belongs to the following parties:

One-half(1/2) undivided interest to D. C. Stebbins;

One-half(1/2) undivided interest to Lydia A. Stebbins.

Your Commissioner further reports that Lydia A. Stebbins is an insane person, and that D. C. Lyon is her duly appointed and qualified Committee.

Your Commissioner reports that when the testimony of D. C. Stebbins was taken in this cause on the 15th day of February, 1933, the said D. C. Stebbins suggested that there was a will made by Clara A. Stebbins, which had never been probated, covering the disposition of the property in this cause, and gave to your Commissioner the names of Mable P. Grange, F. H. Hartman, Doris Burton and Mrs. James T. Carter, who, D. C. Stebbins claimed, knew of the said will of Clara A. Stebbins. Your Commissioner summoned the aforesaid parties to appear before him on the 23rd day of April, 1933, and took the depositions of Mrs. James T. Carter and F. H. Hartman; that he has talked with Mable P. Grange, who has filed an affidavit in this cause, said depositions and affidavit being filed herewith; and your Commissioner reports that none of the aforesaid parties know anything about the will of Clara A. Stebbins, and that there is nothing to the contention made by D. C. Stebbins in his testimony before your Commissioner.

Respectfully submitted:

William M. Lindsay
Commissioner in Chancery

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Fidelity and Deposit Company of Maryland,
a corporation.....Complainant

v. NOTICE TO TAKE DEPOSITIONS

D. C. Stebbins; Lydia A. Stebbins, an insane,
person; and D. C. Lyon, Committee of said
Lydia A. Stebbins.....Defendants

TO ALL PARTIES TO THE ABOVE SUIT:

(Extract from decree entered on the 28th day of May, 1932.)

"On consideration whereof the Court doth ADJUDGE, ORDER and DECREE that this cause be and the same is hereby referred to Wm. M. Birdsong, one of the Commissioners in Chancery of this Court, to ascertain and report:

1. The real estate owned by the defendant, D. C. Stebbins, which is subject to the claim of the complainant; the nature of the estate vested in said defendant; together with its fee simple and annual rental value.

2. The taxes due upon said real estate.

3. Whether the claim of the complainant, and of such other claimants as may intervene herein, or may be ascertained by the Commissioner, constitute valid liens on said real estate of the defendant, D. C. Stebbins, their several amounts and respective priorities.

4. If the rents and profits from the real estate of the defendant, D. C. Stebbins, will in five years pay the lien debts thereon.

5. Whether the real estate mentioned and described in the bill of complaint filed herein is susceptible of partition in kind between the parties entitled thereto; and if not, whether it is proper to order a sale of the whole of said real estate and a division of the proceeds of the sale between the parties entitled thereto, after the payment of the taxes and the satisfaction of the lien of the Complainant (and such other liens, if any, that may be ascertained by the Commissioner) out of the proceeds of said sale belonging to the defendant, D. C. Stebbins.

6. Any other matters deemed pertinent to this cause or required to be stated by any party in interest.

Which inquiries the said Commissioner shall ascertain and report to the Court, after first having given notice of the time and place for the execution of this order to all parties hereto, or their attorneys."

YOU WILL PLEASE TAKE NOTICE: That on Wednesday, February 8th, 1933, between the hours of Ten O'Clock A. M. and Five O'Clock

P. M., at the office of G. A. Harris, in The National Bank of Suffolk Building, Suffolk, Virginia, I shall proceed to execute the said decree.

And if the taking of the depositions be not commenced, or, if commenced, be not concluded, on the said date, adjournment will be taken from day to day at the same place and at the said hour until the matter is concluded.

Lillian M. Birdsong
Commissioner in Chancery for the
Circuit Court of Nansemond County.

VIRGINIA: IN THE CIRCUIT
COURT OF NANSEMOND COUNTY.

Fidelity and Deposit
Company of Maryland,
a corporation,

v. NOTICE TO TAKE
DEPOSITIONS.

D. C. Stebbins;
Lydia A. Stebbins, an
insane person; and
D. C. Lyon, Committee of
said Lydia A. Stebbins.

Executed in the County of Princess Anne,
Va., this the 27 day of Jan. 1933,
by serving a copy hereof on

D. C. Stebbins

IN PERSON,

J. C. Litchfield, Jr. Sheriff
of the County of Princess Anne, Va.

At Perry's Landing at River
for Lydia A. Stebbins.

Service accepted
Edw. Breeden
Atty for Fidelity
Deposit Co of
D. C. Lyon, Committee of
Lydia A. Stebbins

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Fidelity Deposit Company of Maryland,
A Corporation

Complainant

v.

D. C. Stebbins

Defendants

To the Sheriff of Princess Anne County; Greetings:

I command you in the name of the Commonwealth of Virginia that you summons F. H. Hartman and Mrs Jas T. Carter to appear before William M. Birdsong, Commissioner in Chancery for the Circuit Court of Nansemond County, Virginia, at three o'clock P.M. at the office of the aforesaid Commissioner, 207 National Bank of Suffolk Building, Suffolk, Virginia, on Friday April 21, 1933, to testify and the truth to say on behalf of D. C. Stebbins, in a certain matter in controversy depending and undetermined, wherein Fidelity Deposit Company of Maryland is complainant and D. C. Stebbins et als are defendants; and that you have then and there this writ and make return how you have executed the same.

Witness my hand this 15th day of April, 1933.

William M. Birdsong
Commissioner in Chancery for the Circuit
Court of Nansemond County, Virginia.

Original

Fidelity and Deposit
Company of Maryland
J.

D. C. Stebbins et al.

Executed in the County of Princess Anne,
Va., this the 19 day of April 1933,
by serving a copy hereof on

J. H. Hartman

IN PERSON.

J. L. Litchfield Sheriff
of the County of Princess Anne, Va.

Not finding Mrs. Jas. T. Carter
at his/her usual place of abode I executed this
within in the County of Princess Anne, Va.,
this 19 day of April 1933
by delivering a copy hereof to her husband

Jas. T. Carter

he being then there, a MEMBER OF
HIS/HER FAMILY and over the age of 16
years, and giving information of its purport to
her/him.

J. L. Litchfield Sheriff
of Princess Anne County, Va.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

^{and}
Fidelity Deposit Company of Maryland
a Corporation

Complainant

v.

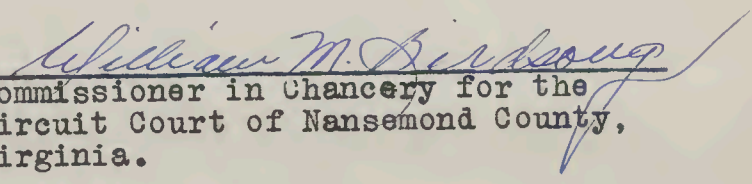
D. C. Stebbins et als.

Defendants

To The Sergeant of the City of Norfolk; Greetings:

We command you in the name of the Commonwealth of Virginia that you summons Mabel P. Grange and Mrs Doris Burton to appear before William M. Birdsong, Commissioner in Chancery for the Circuit Court of Nansemond, ^{Coventry} at three o'clock P.M. at the office of the aforesaid Commissioner 207 National Bank of Suffolk Building, Suffolk, Virginia, on Friday April, 21, 1933, to testify and the truth to say on behalf of D. C. Stebbins, in a certain matter in controversy depending and undetermined, wherein Fidelity ^{and} Deposit Company of Maryland is Complainant and D. C. Stebbins et als are ~~defendants~~; and that you have then and there this writ and make return how you have executed the same.

Witness my hand ~~and~~ this 15th day of April, 1933.


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

Original → Sgt. Fee
Fidelity & Deposit **PAID**
Company of Maryland &
V.
D. C. Stebbins et als -

Executed in the City of Norfolk, Va.,
this the 18 day of Apr 1933
by serving a Copy hereon on

Mabel P. Grange

IN PERSON.

CHAS. E. FRANCIS,
Sergt. City of Norfolk, Va.

By C. B. Leamer Deputy.

Doris Burton

NOT FOUND
CHAS. E. FRANCIS, City Sgt.

C. B. Leamer
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VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Fidelity and Deposit Company of Maryland,
a Corporation,

Complainant,

v. DEPOSITIONS

D. C. Stebbins; Lydia A. Stebbins, an
insane person; and D. C. Lyon, Committee
of said Lydia A. Stebbins,

Defendants.

The depositions of D. C. Lyon, T. J. Saunders, S. C. Oliver, D. C. Stebbins, Mrs. James T. Carter and F. H. Hartman, taken before me, William M. Birdsong, a Commissioner in Chancery for the Circuit Court of Nansemond County, in the State of Virginia, pursuant to notice hereto attached, at the office of G. A. Harris, in the National Bank of Suffolk Building, Suffolk, Virginia, on the 15th day of February, 1933, between the hours of Ten O'Clock A. M. and Five O'Clock P. M., and on the 21st day of April, 1933, at Three O'Clock P. M. at the office of the said Commissioner, pursuant to notice hereto attached, to be read as evidence on behalf of D. C. Stebbins, in a certain suit depending in the Circuit Court of the County of Nansemond, in the State of Virginia wherein D. C. Stebbins is one of the Defendants.

Present: Edward L. Breeden, Attorney for Complainant;
D. C. Lyon, Committee for Lydia A. Stebbins;
G. A. Harris, Guardian ad litem for Lydia A.
Stebbins.

MR. D. C. LYON, being duly sworn, deposes and says as follows:
(Examined by Mr. Harris)

Q. Mr. Lyon, you are the committee of Miss Lydia Stebbins, are you not?

A. I am.

Q. You, as such, are one of the defendants in this proceeding. Are you familiar with the property described in this proceeding?

A. Known it for at least fifty years.

Q. As I understand it, your ward, Miss Stebbins, owns an undivided one-half interest and the other one-half interest is owned by Mr. D. C. Stebbins, one of the defendants in this suit?

A. Yes, sir.

Q. What is the condition of the buildings on the property at this time?

A. Very bad. There is only one building that will keep anything dry and the other buildings are just filled in. The dwelling house and the cook house has been there for years. The plaster has fallen down, and the rafters and shingles have more or less rotted, and tar paper is now used as a temporary roof. I think all are in inferior condition - the outbuildings are practically nothing.

Q. How many out-buildings?

A. One outbuilding I saw there - a barn and stable combined, put together with tar paper.

Q. Mr. Lyon, in your judgment, is this property susceptible to partition?

A. Absolutely not. If it were divided, neither would get anything.

Q. Under the circumstances you think it should be disposed of as a whole?

A. Yes. The land that can be cultivated to advantage to be divided into two parts would be such a few acres, and therefore I don't think either party would have anything if it were divided.

Q. Mr. Lyon, you have heard what Mr. Oliver and Mr. Saunders stated with reference to the fee simple and annual value. Please state your independent opinion of each of these values?

A. Of course, I am not a farmer but have lived in the country a great many years, and I am more or less familiar with farm land and I have taken a more or less interest in it. I think the valuation put by the other two gentlemen about what I think it might be the selling value in its present condition. There is very little timber on the property, as the timber has been cut from time to time - Mr. Stebbins cut it up to the time of his death.

And further this deponent saith not.

D. C. Lyon

MR. T. J. SAUNDERS,, being first duly sworn, deposes and says as follows:
(Examined by Mr. Breeden)

Q. Mr. Saunders, state your name, residence and age?

A. T. J. Saunders; Everetts, Nansemond County, Virginia; age 73.

Q. Mr. Saunders, have you lived in the vicinity of the property described in the bill of complaint, known as the Goodson farm, for a considerable time?

A. Yes, sir. All my life.

Q. Are you familiar with this particular piece of property and values of farm land in this vicinity in general?

A. I am. Had owned land adjoining it.

Q. What do you consider as its fee simple value for the whole of it?

A. Under the circumstances, I don't believe it would bring over \$1000.00.

Q. What do you think would be the annual rental value of the Goodson farm?

A. That is hard to say - \$75.00 to \$100.00 - unless improvements are made.

Q. No hope of getting a larger price?

A. No.

Q. Do you believe the Goodson farm is susceptible of partition in two equal portions in such a manner that each portion would be of equal value and equally usable?

A. Don't think it would be practicable though it could be divided very easily.

Q. Why do you state it is not practicable?

A. Well, it looks to me that if a division was made of it, possibly one part would not be rentable and that would not be of much service, and there is only one dwelling house on it.

Q. Mr. Saunders, will you please inform the Court as to the present condition of the buildings, both as to the dwelling and the out-buildings?

A. The condition is poor, both the outbuildings and the dwelling. I heard the tenant say it leaked, and it must leak with tar paper on it. The house, as I remember, stands just as it was.

And further this deponent saith not.

J. Saunders

MR. S. A. OLIVER, being duly sworn, deposes and says as follows:
(Examined by Mr. Breeden)

Q. Mr. Oliver, will you state in the record your name, age and residence?

✓ A. ^C S. A. Oliver, Suffolk, Virginia, Post Office Box 187, age 62.

Q. Mr. Oliver, are you familiar with the tract of land in Nansemond County described in the bill of complaint in this suit, located in Chuckatuck Magisterial District, Nansemond County, formerly belonging to Clara A. Stebbins, on Everetts Road out from the City of Suffolk, sometimes known as the Goodson farm?

A. Yes, it has been known as the Goodson farm ever since I've known it.

Q. Mr. Oliver, further, are you familiar with values of farm property in that vicinity in general?

A. I am familiar with farm property.

Q. With that particular piece of property and the surrounding neighborhood?

A. Yes.

Q. In your opinion, taking into consideration the present condition of real estate in general and farm land in particular, what do you think, Mr. Oliver, would be a fair market value for the piece of property mentioned, known as the Goodson farm?

A. Around \$1000.00 to \$1200.00.

Q. What, in your opinion, would be a fair annual rental value?

A. I would say \$75.00 would be a good rent for it.

Q. Do you believe from your knowledge of this farm that it is practicable to divide it into two equal parts so that the interest receiving one-half thereof would be in equally as good a position as the party receiving the other one-half thereof?

A. I would say it can be done, but hardly see it practicable to do.

Q. I understand it has one house on it and some woods and some cleared land, and some cleared land not productive, do you, therefore, feel, Mr. Oliver that it would be to the best interest of all concerned for the property to be sold rather than partition attempted?

A. I think the best results would be by selling it as a whole.

And further this deponent saith not.

S. C. Oliver

Mr. D. C. Stebbins appeared in person and is not represented by counsel.

MR. D. C. STEBBINS, being first duly sworn, deposes and says as follows:
(Examined by Mr. Birdsong)

Q. Mr. Stebbins, there has been a suit filed by the Fidelity and Deposit Company of Maryland against you and others in which the complainants allege that they secured a judgment against you in the Circuit Court of Princess Anne County, Virginia, in the sum of \$1386.14, with interest from the 9th day of October, 1931, until paid, and \$132.00 Court costs. The complainants are asking that your interest in a certain tract, piece or parcel of land located in Chuckatuck Magisterial District, Nansemond County, Virginia, in which you own an undivided one-half interest, be sold to satisfy the aforesaid judgment. If you have any statement to make in regard to this you may do so?

A. I don't own any part of that land, and the reason I say it is at the time of the hearing before Mr. Ashburn, Commissioner, in Norfolk, it was awarded to Mr. Lyon, as committee of my sister's estate. Another reason, there is a will covering the disposition of that property, and I can give you the names of the parties who you can summon and who know about it. They won't come across to me. Another reason is that the property was handled as a part of the estate of J. W. Stebbins, the rents collected, with the knowledge of Mr. Breeden, and accounted for in the report turned in; and I guess if I thought it was mine I would have tried to keep it. Then on top of that, when a division was made, no objection was made at all.

(The names of the parties furnished are:
(Travelers Aid Society in Norfolk
(Mrs. Mabel P. Grange, Monroe Building,., Norfolk
(F. H. Hartman, Broad Creek, R. F. D. #2, Norfolk
(Mrs. Doris Burton, Red Cross Nurse who testified at meeting
(held on October 11, 1926.
(Mrs. Jas. T. Carter, Broad Creek, R. F. D. #2, Norfolk

Q. As I understand it, your contention is you don't claim any interest in this farm at all?

A. Not at all. It is the estate of J. W. Stebbins.

Q. Who was J. W. Stebbins?

A. My father.

Q. How many children did he leave?

A. Two.

Q. Who were they?

A. My sister and myself.

Q. What is your sister's name?

A. Lydia A. Stebbins.

Q. Who died first, your father or your mother?

A. My mother.

Q. When did your father die?

A. About October 9, 1926.

Q. Where was he living at the time of his death?

A. Broad Creek, Princess Anne County.

Q. Has there ever been a will probated?

A. The will he made from Princess Anne was probated which you have copies of. The joint will that was made with my mother was never probated.

Q. Who was it that owned the property?

A. It was owned by my mother, C. A. Stebbins.

Q. Did she leave a will when she died?

A. She left a joint will with my father.

Q. Do you know where it is?

A. I think it is in the hands of Mrs. Carter.

Q. When did your mother die?

A. Some ten years ago. There is a mention in the courthouse in Nansemond County of a will existing in a transfer of an acre of that same farm which Mr. Saunders here bought, and has my signature, my sister, my wife (who is dead) and my father. All four of us knew that the will existed at that time.

And further this deponent saith not.

D. C. Stebbins.

Mrs. James T. Carter, being duly sworn, deposed as follows:

Questions by William M. Birdsong, Commissioner.

Q. Please state your name, age, residence and occupation.

A. Mrs. James T. Carter; legal age; Broad Creek, Princess Anne County, Virginia; housekeeper.

Q. Mrs. Carter, I have summoned you to appear before me in the matter of The Fidelity and Deposit Company vs. D. C. Stebbins et als, at the request of Mr. D. C. Stebbins, who claims that you know something about a will left by Clara A. Stebbins. Do you know anything about a will left by Clara A. Stebbins?

A. No, I do not know anything about a will of Clara A. Stebbins. I was present, however, in October, 1926, when the will of J. W. Stebbins was read.

Q. Mrs. Carter, did you know Clara A. Stebbins?

A. No, I never knew her.

Q. What relation is D. C. Stebbins to J. W. Stebbins?

A. J. W. Stebbins was his father.

Q. Are you in any way related to the Stebbins family?

A. No, sir.

And further this deponent saith not.

Mrs James T. Carter

Mr. F. W. Hartman, being duly sworn, deposed as follows:

Questions by William M. Birdsong, Commissioner.

Q. Please state your name, age, residence and occupation.

A. F. W. Hartman; legal age; Broad Creek, Princess Anne County; farmer.

Q. Mr. Hartman, I have summoned you to appear before me in the matter of the Fidelity and Deposit Company vs. D. C. Stebbins et als, at the request of Mr. D. C. Stebbins, who claims that you know something about a will left by Clara A. Stebbins. Do you know about a will left by Clara A. Stebbins?

A. No, sir, I do not. The only thing I know about any will is the will of J. W. Stebbins, who was the husband of Clara A. Stebbins. In October, 1926, I was present when the safe of Mr. J. W. Stebbins was opened and his will taken from the safe and read. This will/^{was}~~the~~ will of J. W. Stebbins and not Clara Stebbins.

And further this deponent saith not.

F. W. Hartman

STATE OF VIRGINIA,

COUNTY OF NANSEMOND, To-wit:

I, William M. Birdsong, Commissioner in Chancery for the Circuit Court of Nansemond County, Virginia, do certify that the foregoing depositions were duly taken, reduced to writing, and signed before me.

In witness whereof I have hereunto set my hand this 3rd day of May, 1933.

William M. Birdsong
Commissioner in Chancery for the
Circuit Court of Nansemond County.

STATE OF VIRGINIA,
CITY OF NORFOLK, To-wit:

Personally appeared before me, Louise Cunningham
a Notary Public of and for the City and State aforesaid,
Mabel P. Grange, who states that she is Executive Secretary of
the Travelers Aid Society of Norfolk, Virginia, and that on the
11th day of October, 1926, in the office of the Travelers Aid
Society, Pender Building, Norfolk, Virginia, she was present
when the will of J. W. Stebbins was taken from his safe and
read; that at that time no will of Clara A. Stebbins was found;
and that she does not know anything about a will left by Clara
A. Stebbins.

Mabel P. Grange

Subscribed and sworn to before me this 25th day of April,
1933, in testimony where of I have hereunto set my hand this
25th day of April, 1933.

My commission expires the 30th day of March, 1936.

Louise Cunningham
Notary Public.

VIRGINIA: IN THE CIRCUIT
COURT OF NANSEMOND COUNTY.

Fidelity and Deposit Company
of Maryland, a Corporation,

v.

D. C. Stebbins; Lydia A.
Stebbins, an insane person;
and D. C. Lyon, Committee
of said Lydia A. Stebbins.

REPORT OF COMMISSIONER
IN CHANCERY.

*Filed this the
3rd day of May*

1933

*John N. Powell clerk
By Evelyn Harris*

WILLIAM M. BIRDSONG
ATTORNEY AT LAW
NATIONAL BANK OF SUFFOLK BUILDING
SUFFOLK, VIRGINIA

The Tuttle Law Print, Publishers, Rutland, Vt.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

FIDELITY AND DEPOSIT COMPANY
OF MARYLAND, a corporation

COMPLAINANT

v.

D. C. STEBBINS et als

DEFENDANTS

THIS CAUSE came on again to be heard on the papers formerly read and on the report of Edward L. Breeden, Jr., and G. A. Harris, who were appointed Special Commissioners by decree entered in this cause on the 30th day of May, 1933, which report bears date the 15th day of June, 1933, and this day filed, to which no exception was taken, and was argued by counsel.

It appearing to the Court from the report aforesaid that the said Special Commissioners have made the following disbursements, which are evidenced by proper receipts, to-wit:

To purchase price of property by H. C. Holland.....	\$1600.00	
By Special Commissioners' commission.....	\$80.00	
By amount paid H. C. Holland for pro- rated taxes on property for year 1933 of 5-1/2 months.....	12.98	
By amount paid John H. Powell, Clerk, covering court costs, including tax attorneys' fee.....	27.00	
By amount paid West & Withers covering premium on Special Commissioners' bond.....	10.00	
By amount paid William M. Birdsong, Commissioner, for making report.....	50.00	
By amount paid Minnie Lavine, steno- grapher, for taking depositions.....	5.00	
By amount paid Edward L. Breeden, Jr., and G. A. Harris, for drawing Special Commissioners' deed.....	10.00	
By amount paid Edward L. Breeden, Jr., attorney for Fidelity and Deposit Com- pany of Maryland, representing one-half of balance of purchase price of property after payment of costs.....	702.51	
By amount paid G. A. Harris, attorney for D. C. Lyon, Committee of Lydia A. Stebbins, representing one-half of balance of pur- chase price of property after payment of costs.....	702.51	
	<u>\$1600.00</u>	<u>\$1600.00</u>

On consideration whereof, the said report is approved and confirmed,
and nothing further appearing to be done in this cause, it is ordered that same
be stricken from the docket.

VIRGINIA: IN THE CIRCUIT COURT
OF NANSEMOND COUNTY

FIDELITY AND DEPOSIT COMPANY
OF MARYLAND, a corporation

v.

D. C. STEBBINS et als

seen
Edw. B. Bredon
of counsel for Complainant.
4 W. R. R. ally for
N. C. Lyon Comd.
DECREE

Entered: Sept 25. 1933.

Jas. S. M. L. L. L.
Judge.

See;
Chancery Order
Book 7; Page 94.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

FIDELITY AND DEPOSIT COMPANY OF MARYLAND,
a corporation,

Complainant

vs. In Chancery

D. C. STEBBINS, et als,

Defendants

The answer of Lydia A. Stebbins, an insane person, by G. A. Harris, her guardian ad litem, to a bill of complaint filed in the Circuit Court of Nansemond County, Virginia, in which Fidelity and Deposit Company of Maryland, a corporation, appears as complainant and D. C. Stebbins, Lydia A. Stebbins, an insane person, and D. C. Lyon, committee of said Lydia A. Stebbins, are named as defendants.

This defendant, by her guardian ad litem, doth answer and say that she is a person of unsound mind, and not able to understand and protect her rights as to the matters alleged in the bill of the complainant, and she, therefore, submits her rights and interest to the protection of the Court.

And now having fully answered, prays to be hence dismissed with her reasonable costs herein expended.

Lydia A. Stebbins,

By G. A. Harris
Her Guardian Ad Litem.

STATE OF VIRGINIA
CITY OF SUFFOLK, to-wit:

G. A. Harris
Guardian Ad Litem.

Subscribed and sworn to before me, the undersigned Notary Public,
this 27th day of May, 1932.

Wm. H. Harrison
Notary Public.

VIRGINIA: IN THE CIRCUIT COURT
OF NANSEMOND COUNTY.

FIDELITY AND DEPOSIT COMPANY
OF MARYLAND

vs.

D. C. STEBBINS et als

ANSWER OF GUARDIAN AD
LITEM OF LYDIA A. STEBBINS.
AND G. A. HARRIS, GUARDIAN
AD LITEM.

FILED: May 28. 1932
J. L. M.

Judge.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

FIDELITY AND DEPOSIT COMPANY OF MARYLAND,
a corporation,

Complainant

vs. In Chancery

D. C. STEBBINS, LYDIA A. STEBBINS,
an insane person, and D. C. LYON,
Committee of said Lydia A. Stebbins,

Defendants

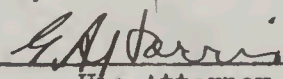
The answer of D. C. Lyon, Committee of said Lydia A. Stebbins,
to a bill of complaint filed in the Circuit Court of Nansemond County, Virginia,
by Fidelity and Deposit Company of Maryland, a corporation, as complainant,
against D. C. Stebbins, Lydia A. Stebbins, an insane person, and D. C. Lyon,
Committee of said Lydia A. Stebbins, as defendants.

This defendant, for answer to said bill, or to so much thereof as
he is advised that it is material and proper he should answer, does answer and
say that he neither admits nor denies the allegations contained in said bill,
but calls for strict proof thereof.

And now having fully answered, prays to be hence dismissed with
his reasonable costs herein expended.

D. C. Stebbins, Committee of
Lydia A. Stebbins, an insane
person,

By



His Attorney.

VIRGINIA: IN THE CIRCUIT COURT
OF NANSEMOND COUNTY

FIDELITY AND DEPOSIT COMPANY OF
MARYLAND, a corporation

vs.

D. C. STEBBINS et als

ANSWER OF D. C. LYON,
COMMITTEE OF LYDIA A.
STEBBINS.

FILED: May 28. 1932

J. M.

Judge.

V I R G I N I A :

IN THE CIRCUIT COURT OF NANSIMOND COUNTY.

FIDELITY AND DEPOSIT COMPANY OF
MARYLAND, a corporation,

Complainant.

vs In Chancery.

D. C. STEBBINS; LYDIA A STEBBINS,
an insane person; and D. C. LYON,
Committee of said Lydia A. Stebbins,

Respondents.

To the Hon. James L. McEmore,

Judge of the aforesaid Court:

Your orator Fidelity and Deposit Company of Maryland,
a corporation, respectfully shows:

(1) That on the 9th day of October, 1931, your orator
obtained a judgment in the Circuit Court of Princess Anne County,
Virginia, against the respondent D. C. Stebbins, for the sum of
thirteen hundred eighty-six dollars and fourteen cents (\$1386.14),
with legal interest thereon from the said 9th day of October,
1931, till paid and \$132.00 costs. And said judgment has been
duly docketed in the Clerk's Office of the Circuit Court of Nansimond
County and hence is a lien against the hereinafter mentioned
real property. The same remains unpaid in whole or in part.

(2) That one Clara A. Stebbins, mother of the respondents,
D. C. Stebbins and Lydia A. Stebbins, heretofore died in-
testate seized and possessed of certain real property in Nansimond
County, Virginia, hereinafter described. The said D. C. Stebbins
and Lydia A. Stebbins are the sole heirs of the said Clara A.
Stebbins, deceased; her surviving husband having likewise died.

(3) That the said D. C. Stebbins, your orator's judg-
ment lien debtor is the owner in fee simple of a one half un-
divided interest in said real property, and,

(4) That the said Lydia C. Stebbins, a person of un-
sound mind, is the owner in fee simple of a one half undivided
interest in said real property.

(5) That the respondent, D. C. Lyon duly qualified on the 26th day of January, 1927, as committee of the said Lydia A. Stebbins, upon her being adjudicated insane.

(6) That the real estate above mentioned which your orator seeks to have partitioned and/or sold to satisfy the lien of its judgment aforesaid as provided by section 5279 of the Virginia Code is as follows:-

"All that tract of land in Chuckatuck Magisterial District, Hansemond Co. Va., being a part of the "Old Goodson farm" which was bought by Clara A. Stebbins of Missouri C. Brown in the year 1881, and is bounded as follows: Beginning at a stake on the road to Everetts bridge, thence to an oak tree on the road to Suffolk, thence across said road and along the line of S. T. Ellis' land to a marked locust tree, thence along the line of Brown and Sanders to a "branch", thence along a marked line of trees to a point on an avenue of land formerly owned by R. E. Morrell, thence to the road from Suffolk to Everetts bridge, thence along and across said road to the place of beginning, containing one hundred and one acres, more or less." (D.E.63 Pg. 140)

Less a sale of one acre more or less conveyed by deed of bargain and sale and described as follows:-

"One Acre of land, triangular in shape situated in the N. W. corner of Goodsens or Stebbins Cross Roads. In Chuckatuck District, Hansemond Co. Va., as follows: As surveyed by John M. Cowling, beginning at a stake at the corner of T. J. Saunders land, on the Road leading to Everetts Bridge, thence West 19½ poles to a stake on the Road leading to Isle of Wight Court House. Thence in a Northeasterly direction along the Road to Everetts Bridge to the place of beginning. Containing one acre according to the said John M. Cowling's survey." (D.R.90. pg. 187)

(7) That said real property is assessed for taxation in the name of the said Clara A. Stebbins, now deceased, as One Hundred Acres, and of a total valuation of Two thousand Dollars, (\$2,000.00).

Forasmuch as your orator is remediless in the premises save in a Court of Equity it prays that the said D. C. Stebbins, Lydia A. Stebbins, an insane person, and D. C. Lyon, Committee of said Lydia A. Stebbins, be made parties defendant to this bill and be required to answer the same, but answers under oath are hereby expressly waived as to all of the defendants; that a com-

petent and discreet attorney-at-law be appointed guardian ad litem to represent the interest of said insane defendant and that he be required to answer the bill; that proper process issue; that partition of said real estate may be made and decreed in some manner prescribed by the statute and that the interest of the said D. C. Stebbins be sold and the proceeds applied to the payment of your orators' judgment aforesaid; or that the whole of said real estate be sold and a division of the proceeds of the sale be had, and that in the event of such sale that the Court order so much of the proceeds of sale as may be necessary, belonging to the said D. C. Stebbins, be paid to your orator, in satisfaction in whole or in part of said judgment; that all proper accounts and inquiries may be directed and taken; and that your orator may receive all such other and further general relief as to equity may seem meet and the nature of their case may require.

FIDELITY AND DEPOSIT COMPANY OF
MARYLAND, a corporation.

BY Edw. L. Breeden, Jr.
as Counsel.

Vandeventer, Eggleston & Black,
Edw. L. Breeden, Jr., p. 4.

VIRGINIA: IN THE CIRCUIT
COURT OF NANSEMOND COUNTY.

FIDELITY & DEPOSIT CO.
OF MARYLAND.

VS.

D. C. STEEBINS, ET AL'S.

BILL OF COMPLAINT

*Filed this 19th day
of Feb. 1933
John H. Havel - Clerk*

VANDEVENTER, EGGLESTON & BLACK
ATTORNEYS AND COUNSELLORS AT LAW
NORFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

FIDELITY AND DEPOSIT COMPANY OF
MARYLAND, a corporation,

Complainant.

vs In Chancery.

D. C. STEBBINS: LYDIA A. STEBBINS,
an insane person; and D. C. LYON,
Committee of said Lydia A. Stebbins,

Defendants.

REPORT OF SPECIAL COMMISSIONERS.

To the Hon. James L. McLemore,

Judge of the aforesaid Court:-

The undersigned G. A. Harris and Edw. L. Breeden, Jr.,
Special Commissioners heretofore appointed to make conveyance of
the real property in the bill and proceedings in this cause
mentioned and described, respectfully report that they have an
offer for the sale of said property to one H. C. Holland of the
City of Portsmouth, Va., for the sum of ~~fourteen~~ ^{SIXTEEN} Hundred Dol-
lars (\$1,400.00) in cash. The said H. C. Holland's written
offer for said property is herewith attached.

Your Commissioners have had no better offer for said
property and in their opinion this offer is the best obtainable
and the acceptance of the same is for the best interest of all
concerned. And further that said offer is for a better price
than the valuation placed upon the property by the witnesses
testifying in this cause and that its acceptance will avoid the
costs of advertising and public sale; at which public sale your
Commissioners do not believe the property will bring as great a
price as the present offer.

Hence your Commissioners pray that they be directed
to convey unto the said H. C. Holland, by deed of special warranty,
the aforesaid real estate, upon his payment to them in cash the
aforementioned sum of ~~fourteen~~ ^{SIXTEEN} Hundred Dollars (\$1,400.00).

Respectfully Submitted,

G. A. Harris

and

Edw. L. Breeden, Jr.

SPEC'L.
COM'RS.

LAW OFFICES
EDWARD L. BREEDEN, JR.
819 CITIZENS BANK BUILDING
NORFOLK, VIRGINIA

June 1, 1933.

Mr. E. L. Breeden, Jr.,
Norfolk, Virginia.

Dear Sir:-

I hereby offer the sum of Sixteen Hundred Dollars (\$1,600.00) in cash for the farm, known as the Stebbins Farm, in Nansemond Co., Va., containing around one hundred acres. This farm being the property upon which my mother, Mrs. Sallie A. Holland, now lives.

Yours very truly,

S. C. Holland

elb/m

VIRGINIA: IN THE CIRCUIT
COURT OF NANSEMOND COUNTY.

Fidelity and Deposit Co.
of Maryland, a corp.

vs.

D. C. Stebbins, et als.

SPECIAL COMMISSIONERS' REPORT.

1933 June 2. Filed
JLM

EDWARD L. BREEDEN, JR.,
ATTORNEY AT LAW
819 CITIZENS BANK BLDG.
NORFOLK, VIRGINIA

V I R G I N I A :

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

FIDELITY AND DEPOSIT COMPANY OF
MARYLAND, a corporation,

Complainant.

vs. In Chancery

D. C. STEBBINS, et als,

Defendants.

This cause came on this day to be heard upon the Bill of Complaint filed herein; upon the decree of reference heretofore entered; upon the Report of Commissioner in Chancery William M. Birdsong; the decree of this Court confirming same; upon the Report of G. A. Harris and Edw. L. Breedem, Jr., Special Commissioners and upon the decree entered thereon directing them to sell the property in the Bill and proceeding herein mentioned and described to one H. C. Holland at private sale.

And it appearing to the Court from statements of Counsel of record in this cause that the description of the property in said Bill of Complaint is erroneous in that there is a clerical error in the omission of certain words in the description of said property, but that said omission does not effect the rights of the parties hereto; the Court doth ADJUDGE, ORDER and DECREE that said description be amended to read as follows:

"All that tract of land in Chuckatuck Magisterial District, Nansemond Co. Va., being a part of the "Old Goodson farm" which was bought by Clara A. Stebbins of Missouri C. Brown in the year 1881, and is bounded as follows: Beginning at a stake on the road to Everetts Bridge, thence to a stake on the road to Isle C. H., thence across said road to another stake, thence to an oak tree on the road to Suffolk, thence across said road and along the line of S. T. Ellis' land to a marked locust tree, thence along the line of Brown and Sanders to a "branch", thence along a marked line of trees to a point on an avenue of land formerly owned by R. E. Morrell, thence to the road from Suffolk to Everetts Bridge, thence along and across said road to the place of beginning, containing one hundred and one acres, more or less" (D.B. 63 pg. 140)

Less a sale of one acre more or less conveyed by deed of bargain and sale and described as follows:-

"One Acre of land, triangular in shape situated in the N. W. corner of Goodsens or Stebbins Cross Roads. In Chuckatuck District, Nansemond Co. Va., as follows:

As surveyed by John M. Cowling, beginning at a stake at the corner of T. J. Saunders land, on the Road leading to Everetts Bridge, thence West $19\frac{1}{2}$ poles to a stake on the Road leading to Isle of Wight Court House. Thence in a southeasterly direction to the northwest corner of the cross roads, thence in a Northeasterly direction along the Road to Everetts Bridge to the place of beginning. Containing one acre according to the said John M. Cowling's Survey." (D.B.90 pg. 187).

And these proceedings in all other respects are confirmed as if said property had be^{en} originally described as herein setforth.

And this cause is continued.

ch.
VIRGINIA: IN THE CIRCUIT COURT
OF NANSEMOND COUNTY.

Fidelity and Deposit Co.
of Maryland, a corp.

vs.

D. C. Stebbins, et als.

Decree.

*We ask for this decree
Fidelity & Deposit Co
of Md. By Edw. L. Breeden
of Counsel*

*J. A. Hunsbury
for D. C. Stebbins
Entered June 10, 1933
J. L. M. Linn*

*Chancery
Book 7: Page 76B-*

EDWARD L. BREEDEN, JR.
ATTORNEY AT LAW
819 CITIZENS BANK BLDG.
NORFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

FIDELITY AND DEPOSIT COMPANY
OF MARYLAND, a corporation.....COMPLAINANT

v.

D. C. STEBBINS et als.....DEFENDANTS

TO THE HONORABLE JAMES L. McILMORE, JUDGE:

The undersigned, who were appointed Special Commissioners by decree entered in this cause on the 30th day of May, 1933, in pursuance of two other decrees entered on the 2nd day of June, 1933, and on the 10th day of June, 1933, respectfully beg to report that on the 15th day of June, 1933, the said Special Commissioners collected from H. C. Holland, of the City of Portsmouth, Virginia, the sum of Sixteen Hundred Dollars (\$1600.00), representing the full purchase price of the property described in these proceedings, and did by Special Warranty deed, bearing date the 15th day of June, 1933, convey to the said H. C. Holland, the following property, to-wit:

"All that tract of land in Chuckatuck Magisterial District, Nansemond Co. Va., being a part of the "Old Goodson farm" which was bought by Clara A. Stebbins of Missouri C. Brown in the year 1881, and is bounded as follows: Beginning at a stake on the road to Everetts Bridge, thence to a stake in the road to Isle C. H., thence across said road to another stake, thence to an oak tree on the road to Suffolk, thence across said road and along the line of S. T. Ellis' land to a marked locust tree, thence along the line of Brown and Saunders to a "branch", thence along a marked line of trees to a point on an avenue of land formerly owned by R. E. Morrell, thence to a road from Suffolk to Everetts Bridge, thence along and across said road to the place of beginning, containing one hundred and one acres, more or less".

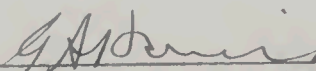
Less a sale of one acre more or less conveyed by deed of bargain and sale and described as follows (See D. B. 90 at page 187).

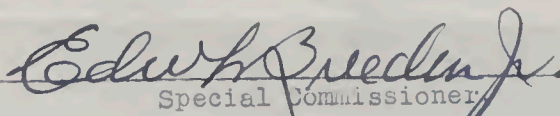
One acre of land triangular in shape situated in the N. W. corner of Goodsens or Stebbins Cross Roads, in Chuckatuck District, Nansemond Co. Va., as follows:- as surveyed by John M. Cowling, beginning at a stake at the corner of T. J. Saunders land, on the road leading to Everetts Bridge, thence West $19\frac{1}{2}$ poles to a stake on the Road leading to Isle of Wight Court House, thence in a southeastly direction to the northwest corner of the cross roads, thence in a northeasterly direction along the Road to Everetts Bridge to the place of beginning, containing one acre according to the said John M. Cowling's survey.

Your Special Commissioners further beg to report that the said purchase price of \$1600.00 should be disbursed as follows:

Purchase price of property		\$1600.00
Special Commissioners' commission of 5% on \$1600.00	\$80.00	
Pro-rated taxes on property for year 1933 of 5-1/2 months to be paid H. C. Holland	12.98	
John H. Powell, Clerk, covering Court costs, including tax attorney's fee	27.00	
West & Withers, covering premium on Special Commissioners' bond	10.00	
William M. Birdsong, Commissioner, for making report as ordered by the Court	50.00	
Minnie Lavine, stenographer, for taking depositions	5.00	
Edward L. Breeden, Jr., and G. A. Harris, for drawing Special Commissioners' deed	10.00	
Edward L. Breeden, Jr., attorney for Fidelity and Deposit Company of Maryland, representing one-half of balance of purchase price of property, after payment of costs	702.51	
G. A. Harris, attorney for D. C. Lyon, Committee of Lydia A. Stebbins, representing one-half of balance of purchase price of property, after payment of costs	<u>702.51</u>	<u>\$1600.00</u>
	\$1600.00	\$1600.00

Respectfully submitted this 15th day of June, 1933.


Special Commissioner.


Special Commissioner.

VIRGINIA: IN THE CIRCUIT COURT
OF HANSMOND COUNTY

FIDELITY AND DEPOSIT COMPANY
OF MARYLAND

v.

D. C. STEBBINS ET ALS

R E P O R T

Filed:

June 22. 1933.

J. L. M.

Judge.

V I R G I N I A :

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

FIDELITY AND DEPOSIT COMPANY OF
MARYLAND, a corporation,

Complainant.

vs

In Chancery.

D. C. STEBBINS; LYDIA A STEBBINS,
an insane person; and D. C. BYON,
Committee of said Lydia A. Stebbins,

Defendants.

DECREE CONFIRMING COMMISSIONER'S
REPORT, ETC.

This cause came on this day to be again heard upon
the papers formerly read and upon the report of William M.
Birdsong, Commissioner in Chancery, filed herein on the ^{3rd} day
of ~~February~~ ^{April May} 1933, and to which report no exceptions have been
taken; and was argued by counsel.

Upon consideration whereof and it being shown to the
Court from said report that the parcel of real estate in the Bill
of Complaint mentioned and described is owned in fee simple by
the defendants, D. C. Stebbins and Lydia A. Stebbins, and that the
Complainant has a valid and existing lien of judgment against the
one-half interest of the defendant, D. C. Stebbins, for the sum
of Thirteen hundred Eighty-six dollars and Fourteen cents (\$1386.14),
with legal interest thereon from the 9th day of October, 1931, till
paid and \$132.00 costs.

And it further appearing to the Court that the Complainant
has a clear right to demand a partition of said parcel of real
estate as prayed in its Bill, and it being shown to the satis-
faction of the Court that the said parcel of real estate cannot
possibly be partitioned in kind to advantage, amongst the parties
entitled thereto; the Court is therefore of opinion that it is
necessary and to the advantage of all parties in interest to decree
a sale of the said parcel of real estate as a whole in order to
effect a partition thereof and to divide the proceeds of the sale
amongst the parties according to their respective rights and it
doth so ADJUDGE, ORDER and DECREE;

And for the purpose of making said sale, it is ADJUDGED,
ORDERED and DECREED that G. A. Harris and,
Edw. L. Buden Jr. be and they are hereby appointed
special commissioners, who shall proceed to sell the said parcel
of real estate in the Bill and proceedings herein mentioned and
described, at public or private sale for cash.

But said Special Commissioner's before accepting any offer
for private sale shall first submit the same to the Court for
its approval, and before making sale at public auction shall
first publish an advertisement of the time, terms and place of
sale, together with a brief description of the property to be
sold in a newspaper of general circulation in the City of Suffolk,
Va., which advertisement shall appear for ^{four times} ~~consecutive days~~
~~immediately~~ preceding the date of sale.

And further said Special Commissioner's shall not act until
they have given bond in the penalty of \$2000 —, with surety
to be approved by the Clerk of this Court, conditioned for the
faithful performance of their duties as such Special Commissioners.

VIRGINIA: IN THE CIRCUIT
COURT OF HANSELOM COUNTY

Fidelity and Deposit Company
of Maryland, a corp.

vs.

D. C. Stebbins, et als.

DECRET.

Secured
Edward Breeding
Atty for Fidelity
& Deposit Co of Md.
for A. H. Harris Atty
for D. C. Lyric Center
1933. May 30, Enter,
Jas L. M. Moore

Chaucer, Bk 7: Page 13

EDWARD L. BREEDEN, JR.
ATTORNEY AT LAW
819 CITIZENS BANK BLDG.
NORFOLK, VIRGINIA

V I R G I N I A :

IN THE CIRCUIT COURT OF THE CITY OF NORFOLK.

FIDELITY AND DEPOSIT COMPANY OF
MARYLAND, a corporation,

Complainant.

vs In Chancery

D. C. STEBBINS, LYDIA A STEBBINS,
an insame person; and D. C. LYON,
Committee of said Lydia A. Stebbins,

Defendants.

DECREE DIRECTING PRIVATE SALE
BY SPECIAL COMMISSIONERS.

This cause came on this day to be again heard upon the
papers formerly read and upon the report of G. A. Harris and
Edw. L. Breeden, Jr., Special Commissioners heretofore appoint-
Said report being filed this day
ed herein, and was argued by counsel.

Upon consideration whereof the Court doth approve and
confirm said report, and the said G. A. Harris and Edw. L.
Breeden, Jr., Special Commissioners as aforesaid are hereby
directed to convey unto H. C. Holland, by deed of special
warranty, the real property in the Bill of Complaint in these
proceedings mentioned and described, upon payment to them by
the said Holland the sum of ^{SIXTEEN} ~~fourteen~~ Hundred Dollars (\$1,600.00)
in cash.

And the said Special Commissioners are ordered to report
back to this Court their actions hereunder.

VIRGINIA: IN THE CIRCUIT
COURT OF NANSEMOND COUNTY.

Fidelity and Deposit Co.
of Maryland, a corp.

vs.

D. C. Stebbins, et als.

DECREE
DIRECTING PRIVATE SALE.

*We ask for this
decree
Fidelity & Deposit Co.
of Md.*

*By Edward L. Breeden, Jr.
Attorney
G. A. Turley atty
D. C. Stebbins
Entered June 2, 1933
Jas. L. McNamee*

EDWARD L. BREEDEN, JR.
ATTORNEY AT LAW
819 CITIZENS BANK BLDG.
NORFOLK, VIRGINIA

THE RELIANCE PRESS OF NORFOLK, VA., INC.

Chancery Bk 7: Page 74

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

FIDELITY AND DEPOSIT COMPANY.....COMPLAINANT
OF MARYLAND, a corporation...

v.

D. C. STEBBINS et als.....DEFENDANTS

This cause came on again to be heard on the papers formerly read and upon the report of G. A. Harris and Edward L. Breeden, Jr., who were appointed Special Commissioners by decree entered in this cause on the 30th day of May, 1933, said report bearing date the 15th day of June, 1933, and this day filed, to which report no exception was taken, and was argued by counsel.

It appearing to the Court from the aforesaid report of G. A. Harris and Edward L. Breeden, Jr., Special Commissioners, that they did, on the 15th day of June, 1933, after having collected the full purchase price of Sixteen Hundred Dollars (\$1600.00) for the property described in these proceedings, convey to H. C. Holland, by Special Warranty deed dated June 15, 1933, the following property, to-wit:

"All that tract of land in Chuckatuck Magisterial District, Nansemond Co. Va., being a part of the "Old Goodson farm" which was bought by Clara A. Stebbins of Missouri C. Brown in the year 1881, and is bounded as follows: Beginning at a stake on the road to Everetts Bridge, thence to a stake in the road to Isle C. H., thence across said road to another stake, thence to an oak tree on the road to Suffolk, thence across said road and along the line of S. T. Ellis' land to a marked locust tree, thence along the line of Brown and Saunders to a "branch", thence along a marked line of trees to a point on an avenue of land formerly owned by R. E. Morrell, thence to a road from Suffolk to Everetts Bridge, thence along and across said road to the place of beginning, containing one hundred and one acres, more or less".

Less a sale of one acre more or less conveyed by deed of bargain and sale and described as follows (See D. B. 90 at page 187).

One acre of land triangular in shape situated in the N. W. corner of Goodsens or Stebbins Cross Roads, in Chuckatuck District, Nansemond Co. Va., as follows:- as surveyed by John M. Cowling, beginning at a stake at the corner of T. J. Saunders land, on the road leading to Everetts Bridge, thence West 19½ poles to a stake on the Road leading to Isle of Wight Court House, thence in a southeasterly direction to the northwest corner of the cross roads, thence in a northeasterly direction along the Road to Everetts Bridge to the place of beginning, containing one acre according to the said John M. Cowling's survey.

And it further appearing to the Court from the report aforesaid that the said purchase price of \$1600.00 should be disbursed as follows:

Purchase price of property		\$1600.00
Special Commissioners' commission of 5% on \$1600.00	\$80.00	
Pro-rated taxes on property for year 1933 of 5-1/2 months to be paid H. C. Holland	12.98	
John H. Powell, Clerk, covering Court costs, including tax attorney's fee	27.00	
West & Withers, covering premium on Special Commissioners' bond	10.00	
William M. Birdsong, Commissioner, for making report as ordered by the Court	50.00	
Minnie Lavine, stenographer, for taking depositions	5.00	
Edward L. Breeden, Jr., and G. A. Harris, for drawing Special Commissioners' deed	10.00	
Edward L. Breeden, Jr., attorney for Fidelity and Deposit Company of Maryland, representing one-half of balance of purchase price of property, after payment of costs	702.51	
G. A. Harris, attorney for D. C. Lyon, Committee of Lydia A. Stebbins, representing one-half of balance of purchase price of property, after payment of costs	<u>702.51</u>	<u>\$1600.00</u>
	\$1600.00	\$1600.00

On consideration whereof, the said report is approved and confirmed, and the said G. A. Harris and Edward L. Breeden, Jr., Special Commissioners are hereby authorized and directed to disburse said funds in accordance with their report as hereinabove set forth.

And this cause is continued.

VIRGINIA: IN THE CIRCUIT COURT
OF NANTSEMOND COUNTY

FIDELITY AND DEPOSIT COMPANY
OF MARYLAND

v.

D. C. STEEBINS et als

Seen
Edw H. Sinden J
of counsel for complainant.
H. W. Sinden Atty Gen
W. C. Ryan Auditor

Entered:

June 22 1933.

Jas. L. McInroe
Judge.

Chancery
Order Bk 7:
Page 80:

G. A. HARRIS
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA

March 8, 1932.

Mr. John H. Powell, Clerk,
Suffolk, Virginia.

Dear Sir:

In Re: Fidelity & Deposit Company of Maryland
vs.
D. C. Stebbins et als.

Enclosed please find subpoena in chancery in
the above styled suit, which I will thank you to file with
the other papers in this matter. I have accepted service
of process for D. C. Lyon, Committee of Lydia A. Stebbins.

Yours very truly,



gah-1

G. A. HARRIS
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA
. June 24, 1933

Mr. John H. Powell, Clerk,
Suffolk, Virginia.

Dear Sir:

I am enclosing you herewith report and
decree to be filed and entered as of June 22, 1933,
in the suit of Fidelity and Deposit Company of Mary-
land v. D. C. Stebbins et als. Please see that
this is done.

Yours very truly,

G. A. Harris

G. A. HARRIS
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA

June 3, 1933.

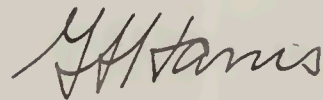
Mr. John H. Powell, Clerk,
Suffolk, Virginia.

Dear Sir:

Re: Fidelity & Deposit Company of Maryland
v.
Stebbins et als

Inclosed please find decree confirming Commis-
sioner Birdsong's report to be entered as of May 30, 1933,
and also decree in the same cause confirming the report of
Special Commissioners Edward L. Breeden, Jr., and G. A. Harris,
entered as of June 2, 1933.

Yours very truly,



gah-1

Chaucery
May 20
June 2
11 5

Know all Men by these Presents, That we G. A. Harris and Edward L. Breeden Jr.
Fidelity and Deposit Co of Md
are held and firmly bound unto the Commonwealth of Virginia in the sum of

Two Thousand Dollars

to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligation.

Sealed with our seals, and dated this 15th day of June,
one thousand nine hundred and 33

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound
G. A. Harris and Edward L. Breeden Jr.
shall faithfully discharge their duties as Special Commissioners, under decree of the Quincy
Court of the County of Norfolk
pronounced on the 15th day of June 1933; in the suit
therein depending under the name and style of Fidelity and Deposit Co
of Md. v. S. R. C. Stephens et al

and shall account for and pay over, as the Court may direct, all money that may come into
their hands as such Commissioners, then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in
the presence of

M. K. Gardner

G. A. Harris [SEAL]

Edward L. Breeden Jr. [SEAL]

Fidelity and Deposit Co of Md. [SEAL]

In the Clerk's Office of the Quincy Court of the County of Norfolk

This day G. A. Harris and Edward L. Breeden Jr. with
Fidelity and Deposit Co of Md.
surety on the above bond, made oath before me M. K. Gardner Deputy, Clerk
of the Quincy Court of the County of Norfolk
that the estate, after the payment of all the just debts and those for which they are
bound as security for others and expect to have to pay is worth the sum of Two
Thousand dollars.

Given under my hand, this 15th day of June 1933

John H. Pausel Clerk.

By M. K. Gardner D. C.

No 9

Form No. 309.

L. A. Harris and Edward L.

Reeder, Jr.

to }

SPECIAL
COMMISSIONER'S BOND

Commonwealth

Admitted to record
this 15 day of June
1933.

See Official Bond
Book 710 4

Page 113



The Commonwealth of Virginia,

To the Sheriff of the County of Prince Georges ~~Nansemond~~, Greeting:

WE COMMAND YOU, That you summon D. C. Stebbins; Lydia A. Stebbins,
an insane person; and D. C. Lyon, Committee of said Lydia A. Stebbins

to appear at the Clerk's office of the Circuit Court of the County of Nansemond
at the rules to be held for the said Court on the first Monday in March, 19 32,
to answer a bill in chancery, exhibited against them in our said Court by
Fidelity and Deposit Company of Maryland, a corporation

And have then there this writ. Witness John H. Powell, Clerk of our said
Court, at the court-house, the 20th day of February, 1932, and in the
156th year of the Commonwealth.

John H. Powell, Clerk

original

Form No. 300

Fidelity & Deposit Co. of
Maryland, a corporation

vs. } SUBPOENA IN CHANCERY

D. C. Stebbins et al.

....., p.q.

To First March Rules,
November Circuit Court.

Subpoena D. C. Stebbins
on 24th March 1904
at 10 o'clock in forenoon at the
place of the Court in the
County of Prince Anne, Va. to the
D. C. Stebbins et al. 24
Feb. 32
at the Court House in the
County of Prince Anne, Va.

J. L. Litchfield Sheriff
of Prince Anne County, Va.

To the Sheriff of the County of Nansemond....., Greeting:

to appear at the Clerk's office of the Circuit Court of the County of Nansemond
at the rules to be held for the said Court on the first Monday in March, 1932,
to answer a bill in chancery, exhibited against them in our said Court by
Fidelity and Deposit Company of Maryland, a corporation

And have then there this writ. Witness John H. Powell, Clerk of our said Court, at the court-house, the 20th day of February, 1932, and in the 156th year of the Commonwealth. 1

John H. Powell, Clerk
By Evelyn Harris, D.C.

Due legal and sufficient notice of the within
stated suit is hereby accepted this 5th day of
March 1932

G. A. Harris's attorney for
D. C. Lynn, Committed of
Lydia A. Stebbins.

Original Form No. 300

Trinity & Lyman Co. of
Maryland, v. etc.

U.S.

}

SUBPOENA IN CHANCERY

D. C. Stebbins et al.

p. q.

To that March - Rules,

Wardman
Circuit Court.

LAW OFFICES
EDWARD L. BREEDEN, JR.
819 CITIZENS BANK BUILDING
NORFOLK, VIRGINIA

Feb. 25, 1932.

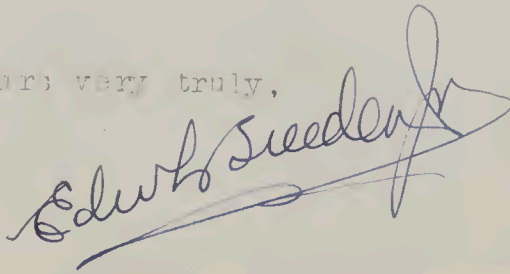
RE: FIDELITY & DEPOSIT CO.
OF MARYLAND vs. D. C. STEEBINS
ET ALs.

Clerk of the Circuit Court
of Nansemond County,
Suffolk, Va.

Dear Sir:-

I am herewith inclosing process in the above styled
case which has been duly served upon the defendant D. C.
Stebbins by the Sheriff of Princess Anne County.

Yours very truly,

A handwritten signature in dark ink, reading "Edward L. Breeden, Jr.", with a stylized flourish at the end.

elb/m

G. A. HARRIS
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA
June 24, 1933.

Mr. John H. Powell, Clerk,
Suffolk, Virginia.

Dear John:

Re: Fidelity & Deposit Co. of Maryland
v.
Stebbins et als.

Enclosed please find check for \$27.00 covering Court costs and tax attorney's fee of \$15.00 in the above suit.

Please send Mr. Edward L. Breeden, Jr., attorney at law, Citizens Bank Bldg., Norfolk, check for \$7.50 covering one-half of the tax attorney's fee and also return to Mr. Breeden the deposit made in this suit. I do not know the amount. I will thank you to send the undersigned check for \$7.50 covering one-half of the tax attorney's fee in this suit.

I explained to you on phone a few days ago that there would be one other report and decree.

Yours very truly,

G. A. Harris

gah-1

c.c. Mr. Edward L. Breeden, Jr.

G. A. HARRIS
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA
Sept. 25, 1933.

Mr. John H. Powell, Clerk,
Suffolk, Virginia.

Dear John:

Re: Fidelity & Deposit Co. of Maryland
v.
D. C. Stebbins et als.

I hand you herewith final report and decree
confirming same in the above proceedings. I believe
that all costs in these proceedings were paid a few
weeks ago.

Please enter the decree as of September 25,
1933, and oblige

Yours very truly,

G. A. Harris

gah-1

Booth field
Sept. 25 - 1933

6/15/33 -

Received of J. A. Harris
and Edw R Brecken Jr. The sum
of \$ 12.98

H. C. Holland

Pro. rate taxes.
Jm.

BY

19

JOHN A. SUTHERLAND, JR.

DOLLARS

CENTS

CURRENCY

GOLD

SILVER

CHECKS AS FOLLOWS

TOTAL \$

SEE THAT ALL CHECKS AND DRAFTS ARE ENDORSED

Folio.

Terms--Cash.

SUFFOLK, VA.,

June 15

193 3

M. G. A. Harris and E. L. Breeden, Jr.

Special Commissioners Fidelity & Deposit Co. vs
Stebbins

TO WEST & WITHERS, DR.

Fire, Life, Marine, Accident, Health, Workmen's Compensation
Steam Boiler Insurance and Surety Bonds

P. O. BOX 103

OFFICE No. 117 N. MAIN STREET

PHONE No. 10

[illegible]

\$50.00 Received this 22nd day of June, 1933, of Edward L. Breeden, Jr., and G. A. Harris, Special Commissioners, in the suit of Fidelity & Deposit Company of Maryland v. D. C. Stebbins et als, the sum of \$50.00 for making report as Commissioner in said suit.

William M. Birdsey

\$5.00 Received this 22nd day of June, 1933, of Edward L. Breeden, Jr., and G. A. Harris, Special Commissioners in the suit of Fidelity & Deposit Company of Maryland v. D. C. Stebbins et als, the sum of \$5.00 for taking depositions in said suit.

Minnie Lavine

\$10.00 Received this 22nd day of June, 1933, of Edward L. Breeden, Jr., and G. A. Harris, Special Commissioners in the suit of Fidelity & Deposit Company of Maryland v. D. C. Stebbins et als, the sum of \$10.00 for drawing Special Commissioners' deed in said suit.

Edward L. Breeden Jr.
G. A. Harris
G. A. Harris

\$702.51 Received this 22nd day of June, 1933, of Edward L. Breeden, Jr., and G. A. Harris, Special Commissioners in the suit of Fidelity & Deposit Company of Maryland v. D. C. Stebbins et als, the sum of \$702.51, representing one-half of balance of purchase price of property.

Edward L. Breeden Jr.
Attorney for Fidelity & Deposit
Company of Maryland.

\$702.51 Received this 22nd day of June, 1933, of Edward L. Breeden, Jr., and G. A. Harris, Special Commissioners in the suit of Fidelity & Deposit Company of Maryland v. D. C. Stebbins et als, the sum of \$702.51, representing one-half of balance of purchase price of property.

G. A. Harris
Attorney for D. C. Lyon, Committee
of Lydia A. Stebbins.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSIMOND COUNTY

FIDELITY AND DEPOSIT COMPANY
OF MARYLAND, a corporation

COMPLAINANT

v.

D. C. STEBBINS et als

DEFENDANTS

TO THE HONORABLE JAMES L. McLEMORE, JUDGE:

The undersigned, who were appointed Special Commissioners by decree entered in this cause on the 30th day of May, 1933, beg to report to the Court that, in pursuance of a decree entered on the 22nd day of June, 1933, in this cause, have made the following disbursements, and receipts are herewith attached covering same:

To purchase price of property
by H. C. Holland.....\$1600.00

By Special Commissioners' commission.....\$80.00

By amount paid H. C. Holland for pro-
rated taxes on property for year 1933
of 5-1/2 months..... 12.98

By amount paid John H. Powell, Clerk,
covering court costs, including tax
attorneys' fee..... 27.00 x

By amount paid West & Withers covering
premium on Special Commissioners' bond..... 10.00

By amount paid William M. Birdsong,
Commissioner, for making report..... 50.00

By amount paid Minnie Lavine, steno-
grapher, for taking depositions..... 5.00

By amount paid Edward L. Breeden, Jr.,
and G. A. Harris, for drawing Special
Commissioners' deed..... 10.00

By amount paid Edward L. Breeden, Jr.,
attorney for Fidelity and Deposit Com-
pany of Maryland, representing one-half
of balance of purchase price of property
after payment of costs.....702.51

By amount paid G. A. Harris, attorney for
D. C. Lyon, Committee of Lydia A. Stebbins,
representing one-half of balance of pur-
chase price of property after payment of
costs.....702.51

\$1600.00

\$1600.00

Respectfully submitted this 22nd day of June, 1933.

G. A. Harris
Special Commissioner.

Edw. H. Buecker Jr.
Special Commissioner.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND
COUNTY

FIDELITY AND DEPOSIT COMPANY
OF MARYLAND

v.

D. C. STEBBINS et als

R E P O R T

Filed: Sept 25. 1933.

J. L. M.

Judge.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

FIDELITY and DEPOSIT COMPANY OF
MARYLAND, a corporation.....COMPLAINANT

vs.

D. C. STEBBINS et als.....DEFENDANTS

This day came G. A. Harris, guardian ad litem of Lydia A. Stebbins, and D. C. Lyon, committee of Lydia A. Stebbins, by G. A. Harris, his attorney, and by leave of Court filed their answers to the complainant's bill.

VIRGINIA: IN THE CIRCUIT COURT
OF NANSEMOND COUNTY

FIDELITY AND DEPOSIT COMPANY
OF MARYLAND

vs.

D. C. STEBBINS et als

O R D E R

Entered:

May 28. 1932

Jos. M. Lenoire.
Judge.

*Chancery Order
Book # 6 ; Page
499*

Virginia:

In the Clerk's Office of the Circuit Court of Hansemond
County the 7th day of March, 1932.

Fidelity and Deposit Company of Maryland
a corporation

V.

D. C. Stebbins, Lidia A. Stebbins, an insane
person; and D. C. Lyon, Committee of said Lidia A. Stebbins.

On motion of attorney for the plaintiff it is ordered that
G. A. Harris be, and he is hereby appointed Guardian-ad Litem
for the insane defendant, Lidia A. Stebbins.

*Clerk's order Book
No 2 Page 394*

Entered March 5, 1932.
John H. Powell - Clerk

V I R G I N I A :

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

FIDELITY AND DEPOSIT COMPANY OF
MARYLAND, a corporation,

Complainant.

vs In Chancery

D. C. STEBBINS: LYDIA A STEBBINS,
an insane person; and D. C. LYON,
Committee of said Lydia A. Stebbins,

Defendants.

DECREE OF REFERENCE.

This cause came on this day to be heard upon the Complainant's bill of complaint and upon the answer of G. A. Harris, guardian ad litem for Lydia A. Stebbins, an insane person, and upon the answer in proper person of D. C. Lyon, Committee of said Lydia A. Stebbins; and upon the bill taken for confessed as to the defendant, D. C. Stebbins, he having failed to appear and plead, answer or demur after having been duly served with process; and was argued by Counsel;

On consideration whereof the Court doth ADJUDGE, ORDER and DECREE that this cause be and the same is hereby referred to Mr. M. Burdette, one of the Commissioners in Chancery of this Court, to ascertain and report:

1. The real estate owned by the defendant, D. C. Stebbins, which is subject to the claim of the complainant; the nature of the estate vested in said defendant; together with its fee simple and annual rental value.

2. The taxes due upon said real estate.

3. Whether the claim of the complainant, and of such other claimants as may intervene herein, or may be ascertained by the Commissioner, constitute valid liens on said real estate of the defendant, D. C. Stebbins, their several amounts and respective priorities.

4. If the rents and profits from the real estate of the defendant, D. C. Stebbins, will in five years pay the lien debts thereon.

5. Whether the real estate mentioned and described in the bill of complaint filed herein is susceptible of partition in kind between the parties entitled thereto; and if not, whether it is proper to order a sale of the whole of said real estate and a division of the proceeds of the sale between the parties entitled thereto, after the payment of the taxes and the satisfaction of the lien of the Complainant (and such other liens, if any, that may be ascertained by the Commissioner) out of the proceeds of said sale belonging to the defendant, D. C. Stebbins.

6. Any other matters deemed pertinent to this cause or required to be stated by any party in interest.

Which inquiries the said Commissioner shall ascertain and report to the Court, after first having given notice of the time and place for the execution of this order to all parties hereto, or their attorneys.

VIRGINIA:
IN THE CIRCUIT COURT OF
NANSEMOND COUNTY.

FIDELITY AND DEPOSIT COMPANY
OF MARYLAND, a corp.

vs.

D. C. STEBBINS; LYDIA A
STEBBINS, an insane person;
and D. C. LYON, Committee
of said Lydia A. Stebbins.

DECREE OF REFERENCE.

Have seen this decree

*GA Harris, Guardian
ad Litem for Lydia
A Stebbins and*

*Attorney for D C Lyon
Committee of Lydia A
Stebbins*

Entered May 28, 1932

Geo. L. W. Moore

EDWARD L. BREEDEN, JR.
ATTORNEY AT LAW
819 CITIZENS BANK BLDG.
NORFOLK, VIRGINIA

THE RELIANCE PRESS OF NORFOLK, VA., INC.

*Chancery Order Book 6
Page 499*

V I R G I N I A :

IN THE CIRCUIT COURT OF HANOVER COUNTY.

FIDELITY AND DEPOSIT COMPANY OF
MARYLAND, a corporation,

Complainant.

vs. In Chancery.

D. C. STEBBINS; LYDIA A STEBBINS,
an insane person; and D. C. LYON,
Committee of said Lydia A. Stebbins,

Respondents.

MEMO.

To the Clerk of said Court:

Kindly issue Chancery summons returnable to the next
rules in the above styled chancery cause.

Edw. L. Breeden Jr.
of counsel.

Vandeventer, Eggleston & Black,
Edw. L. Breeden, Jr., p.q.

NOTE: Kindly send process for D. C. Stebbins to me and I will
have it served in Princess Anne Co.

Mr. G. A. Harris, attorney of Suffolk, will accept service
for other defendants.

Mr. Harris to be named guardian ad litem at rules for
insane defendant.

Deposit of \$10.00 for writ tax and clerk's deposit in-
closed herewith.

VIRGINIA: IN THE CIRCUIT
COURT OF NANSEMOND COUNTY.

FIDELITY & DEPOSIT CO.
OF MARYLAND.

vs.

D. C. STEBBINS ET ALS

MEMORANDUM FOR PROCESS

*Filed this 19th day of
February 1932
John W. Van deventer, clerk*

VANDEVENTER, EGGLESTON & BLACK
ATTORNEYS AND COUNSELLORS AT LAW
NORFOLK, VIRGINIA