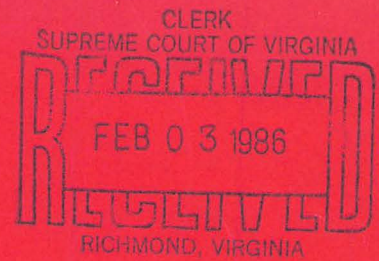


235 VA 360



IN THE
Supreme Court of Virginia
AT RICHMOND

WASHINGTON & LEE
LAW LIBRARY

RECORD NO. 850296

NOV 30 1988

BLANCHE MEADE SHANNON, ROBERT SHANNON, ALICIA MEADE ROBINSON,
JOHN ROBINSON, PEGGY MEADE LAMBERT, STEVE LAMBERT,
LINDA MEADE PURCELL & DOUGLAS PURCELL,

Appellants,

v.

BETTY MEADE HALL,

Appellee.

JOINT APPENDIX

J. R. Tiller, Esq.
TILLER & TILLER
Post Office Box 466
Lebanon, VA 24266

S. Strother Smith, III, Esq.
Post Office Box 1204
Abingdon, VA 24210

Counsel for Appellants

Counsel for Appellee

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VIRGINIA:

IN THE CIRCUIT COURT OF RUSSELL COUNTY

BETTY MEADE HALL,

Plaintiff

v.

BLANCHE MEADE SHANNON

and

ROBERT SHANNON, her husband

Route 2

Castlewood, VA

and

ALICIA MEADE ROBINSON

and

JOHN ROBINSON, her husband

Route 2

Castlewood

and

PEGGY MEADE LAMBERT

and

STEVE LAMBERT, her husband

Route 2

Castlewood, VA

and

LINDA MEADE PURCELL

and

DOUGLAS PURCELL

887 Lorraine Drive

Newport News, VA

Defendants

10,608

BILL OF COMPLAINT

Comes now Betty Meade Hall, the Plaintiff herein, and for her Complaint against the Defendants would state as follows:

1. Your Plaintiff, Betty Meade Hall, and the defendants Linda Meade Purcell, Peggy Meade Lambert, and Alicia Meade

Robinson, are all the children of the defendant Blanche Meade Shannon and Guy B. Meade of Route 2, Castlewood, Virginia.

2. On or about September 12, 1976, Guy B. Meade died of a heart attack intestate leaving as his heirs the four aforesaid daughters.

3. On or about the 17th day of August, 1951, James Edward Culbertson and Virginia Culbertson, his wife, deeded to Guy B. Meade and Lena Blanche Meade the parents of the plaintiff and three of the defendants herein certain land set forth in Deed Book 146 beginning at Page 252, a copy of which is attached herewith as Exhibit A and which is adopted by reference for the description thereof.

4. On or about the 9th day of May, 1958 Gladys Saddler conveyed to Guy B. Meade and Blanche Meade, his wife, the parents of the plaintiff and three of the defendants herein certain property which was described in a deed recorded in the Clerk's Office in the Circuit Court of Russell County in Deed Book 163 at Page 405 attached as Exhibit B herewith.

5. Both of these tracts of land were conveyed to Guy B. Meade and Lena Blanche Meade (Shannon) the parents of the Plaintiff and three of the defendants herein as tenants in common so that when the plaintiff's father, Guy B. Meade, died he left as heirs to his one-half interest in each of these tracts of land your plaintiff and each of her sisters who are listed as defendants herein.

The husbands of each of the defendant children of Guy B. Meade are joined herein for the purpose of having this suit cover their courtesy interests.

Thus, your Plaintiff, Betty Meade Hall, has a one-fourth of one-half interest (less her mother's dower interest in her father's one-half of the property) in each of the aforesaid tracts of land.

6. These two tracts of land are so situated as to make division in kind very difficult if not impossible and the only way that your Plaintiff, Betty Meade Hall, can possibly receive the benefits of her inheritance in regard to this land is to ask the Court to partition the land in kind if possible and if not possible, to have the land sold at public auction under the auspices of the Court and the money received for the sale of this land after the payment of all court fees and expenses to be divided equally among the plaintiff and the defendants according to their interests.

WHEREFORE, your Plaintiff, Betty Meade Hall, respectfully requests that this court, operating under its equity powers, appoint S. Strother Smith, III as Special Commissioner to take evidence as to whether or not this property can be divided in kind, and if so, to make a report to the Court as to the best manner in which the said property can be divided, and if not, to report to the Court that fact and under the directions of the court to make arrangements to sell the property and after the payment of all expenses, including a reasonable fee to the Special Commissioner to distribute the

remaining funds to the Plaintiff, Betty Meade Hall (a one-eighth interest less her pro-rata share of her mother's dower in one-half); Peggy Meade Lambert (a one-eighth interest less her pro-rata share of her mother's dower interest in one-half interest); Alicia Meade Robinson (a one-eighth interest less her mother's dower interest in one-half); and Blanche Meade Shannon (a one-half interest plus her dower interest in the one-half interest formerly owned by the Plaintiff's father, Guy B. Meade).

The Plaintiff also asks that all costs and fees attributable to this suit be paid out of the proceeds thereof and that she may have such further and other relief as may be deemed just and equitable under her circumstances.

Respectfully submitted,

BETTY MEADE HALL

By Counsel

S. Strother Smith, III
P. O. Box 1204
117 W. Main Street
Abingdon, VA 24210

S. Strother Smith III

- 3 -
Filed in the Clerk's Office the 16 day of April, 19 81
Writ Tax \$ 5.00 Teste: _____
Fee 25.00
Law Lib. 1.00 _____ Clerk
Total Paid \$ 31.00 James Blevins D. C.

252

THIS DEED OF BARGAIN AND SALE, made this 17th day of August, 1951, between JAMES EDWARD CULBERTSON and VIRGINIA CULBERTSON, his wife, parties of the first part, and GUY BARNIE MEADE and LENA BLANCHE MEADE, parties of the second part,

W I T N E S S E T H:

THAT, for and in consideration of the sum of TEN THOUSAND (\$10,000.00) DOLLARS, cash in hand paid to the parties of the first part by the parties of the second part, at and before the signing, sealing and delivery of this deed, the receipt whereof is hereby acknowledged, the parties of the first part have bargained and sold, and by these presents do grant, alien and convey unto the parties of the second part, with covenants of general warranty of title and free from all encumbrances, all those three (3) certain pieces, parcels or tracts of land, lying adjacent and composing one contiguous body of land containing 52½ acres, more or less, situate, lying and being on the south side of and adjacent to Secondary Route No. 609 of the Virginia Highway System, and on the waters of Little Copper Creek in the Copper Creek Magisterial District of Russell County, Virginia, and further described as follows:

TRACT NO. 1, containing 32 acres, more or less, and is the same piece, parcel or tract of land conveyed by Georgia A. Litz by deed dated the 21st day of October, 1910, to Fannie V. Culbertson, which deed is recorded in Deed Book 05, at page 4, in the Clerk's Office of the Circuit Court of Russell County, Virginia, which said tract of land was conveyed to the said James Edward Culbertson, one of the parties of the first part hereto, by Mabel

Exhibit A

Austin and others, the heirs-at-law of the said Fannie V. Culbertson, and which said tract of land is more particularly described as follows, to-wit:

BEGINNING at a black oak corner to Lots #3 and #6 and with line of the latter S. 3 W. 117 poles to a small poplar in J. W. B. Castle's lines, and with his lines S. 67-3/4 W. 62 1/2 poles to a black oak and dogwood, a corner to Lot #10, and with it N. 3 E. 84 poles to a stake in a field; N. 67 1/4 E. 37-2/3 poles to a dogwood and hickory on the side of a hill, N. 27 1/4 E. 29 poles and 3 feet to the BEGINNING, containing 32 acres, more or less.

TRACT NO. 2, containing 9 1/2 acres, more or less, and being the same tract of land conveyed to the said James Edward Culbertson by Henry T. Culbertson and wife by deed dated the 15th day of November, 1937, and recorded in Deed Book 94, page 75, among the records aforesaid, reference to which deed is hereby made for a more detailed description of the 9 1/2-acre tract of land hereby conveyed.

TRACT NO. 3, containing 11 acres, more or less, and is the same tract of land of which William J. Culbertson died seised and possessed, the title to which said tract of land descended to his heirs-at-law, who conveyed the same to the said James Edward Culbertson (who is also an heir of William J. Culbertson, deceased), by deed dated the 27th day of July, 1943, recorded in Deed Book 106, page 242, among the records aforesaid, and which said tract of land is more particularly described as follows, to-wit:

BEGINNING at a black oak in J. B. Castle line, thence N.3 W. 45 poles and 20 links to a planted stone 5 feet east of an oak marked as pointer corner to Austin land; S. 79-3/4 W. 29 poles and 5 links to dogwood and planted stone; S. 13 1/2 W. 57 poles to Castle corner, and with his line S. 67-3/4 W. 42 poles and 4 links to the BEGINNING, containing 11 acres, more or less.

The parties of the first part, however, expressly reserve and retain a certain parcel or plot of land eighty (80) feet square for burial purposes, which said 80-foot square shall be determined by using the grave of William J. Culbertson, deceased, as the central point of said square, and which said burial plot shall and shall be used by the Culbertson and related families for burial

purposes only and for visiting and maintaining said graveyard. The said 80-foot square is not now under fence, but in the event the parties of the second part should desire the same fenced, it shall be at the expense of the Culbertson and related families so to do.

Possession of the aforesaid lands is hereby reserved by the parties of the first part until February 1, 1952.

The parties of the first part covenant with the parties of the second part that they have the right to convey the aforesaid land to the said grantees, free of encumbrance; that the said grantees shall have quiet possession of the said land; that they have done no act to encumber the said land and that the same

is not encumbered; and that they will execute such further assurances of said land as may be requisite.

WITNESS the following signatures and seals:

254

James Edward Culbertson (SEAL)

Virginia Culbertson (SEAL)

STATE OF VIRGINIA,
COUNTY OF RUSSELL, to-wit:

I, A. Bernice Combs, a Notary Public in and for the said County of Russell, in the State of Virginia, do hereby certify that James Edward Culbertson and Virginia Culbertson, his wife, whose names are signed to the foregoing writing, bearing date on August 17, 1951, have each this day acknowledged the same before me in my County and State aforesaid.

My commission expires June 6, 1954.

Given under my hand this 17th day of August, 1951.

A. Bernice Combs
Notary Public for Russell
County, Virginia

Virginia: County of Russell, to-wit:

In the Clerk's Office of the Circuit Court of the State aforesaid, the 17th day of August, 1951, at 3:00 O'Clock, P. M., the foregoing writing was presented and admitted to record, and together with the certificate of acknowledgment recorded.

Teste: Willie A. Combs
Deputy Clerk.

60
119

James Edward Culbertson
and Wife

TO: DEED

Buy: Barnie Meade & Wife

VIRGINIA

May 17 1951
Circuit Court Russell County
at 10 M. o'clock
Admitted to record and recorded
in Deed Book 136
Page 252

[Signature] Clerk

State Tax	\$	<u>15.00</u>
Comr's Fee	\$	<u>1.00</u>
Clerk's Fee	\$	<u>4.00</u>
U.S. Revenue	\$	<u>11.00</u>
Total \$		<u>29.00</u>

[Signature]


LAW OFFICES
Geo. A. Pruner
LEBANON, VA.

CIRCUIT COURT RUSSELL COUNTY

FILED

APR 10 1981

[Signature]
1991 [Signature] Clerk



This Deed, made this the 9th day of May, 1958, by and between GLADYS SADDLER, party of the first part and Guy B. MEADE and BLANCHE MEADE, his wife, parties of the second part,

W I T N E S S E T H:

That for and in consideration of the sum of Seventeen Hundred (\$1700.00) Dollars, cash in hand paid by the parties of the second part to the party of the first part, the receipt of which is hereby acknowledged, the party of the first part have this day granted, bargained and sold by these presents do hereby grant, bargain, sell, assign and convey unto the parties of the second part, with covenants of General Warranty of Title, all that certain tract, piece or parcel of land containing approximately 29 acres, more or less, situated, lying and being on the east side of Alternate Highway No. 58, near White's Apple House, in the Castlewood Magisterial District of Russell County, Virginia, being a portion of a tract or parcel of land assigned and conveyed to Winnie Campbell in the division of the lands of Virginia Williams, by deed of partition dated October 17, 1935, and of record in the Clerk's office of Russell County, Virginia, to the record of which reference is here made, and being the same tract or parcel of land conveyed to W. B. Saddler by Dave Campbell and wife, by deed dated the 22nd day of November, 1938, to the record of which reference is here made, and being the same tract or parcel of land conveyed to Gladys Saddler by W. B. Saddler and wife, by deed dated the 23rd day of February, 1952, and of record in the Clerk's office of Russell County, Virginia, in Deed Book No. 138, at page 110, to the record of which reference is here made for a further

description of said tract or parcel of land.

There is excepted and reserved from this conveyance a tract containing approximately 11 acres heretofore sold and conveyed to Gladys Saddler; as well as a small lot heretofore sold and conveyed to B. C. White.

TO HAVE AND TO HOLD the above described and hereby conveyed premises, together with all the appurtenances thereunto belonging, unto the parties of the second part, their heirs and assigns forever.

WITNESS the following signature and seals the day, month and year first above written.

Gladys Saddler (SEAL)

STATE OF VIRGINIA

COUNTY OF WISE, TO-WIT:

I, R. L. Robertson, a Notary Public in and for the county aforesaid, in the State of Virginia, do hereby certify that Gladys Saddler, whose name is signed to the foregoing writing, bearing date on the 9th day of May, 1958, has acknowledged the same before me in my County aforesaid.

My commission expires 7-17-61

Given under my hand this 9th day of May, 1958.



R. L. Robertson
Notary Public

May 13, 1958
Deed Book 168

VIRGINIA:
 May 13, 1958
 Circuit Court Russell County
 Admitted to record and recorded
 in Deed Book 168
 Page 51A
 Teste: *Jaynelle H. Jensen*
 State Tax \$ 2.47
 Comr's Fee \$ 1.00
 Clerk's Fee \$ 3.00
 U. S. Revenue \$ 2.21
 Total \$ 8.75

115-

Virginia: County of Russell, to-wit:

In the Clerk's Office of the Circuit Court of the County and State afore-
 said the 13th day of May, 1958 at 8:45
 o'clock A. M., the foregoing writing was presented and admitted
 to record, and together with the certificate of acknowledgment recorded.

Teste: *Jaynelle H. Jensen*
 Clerk

CIRCUIT COURT RUSSELL COUNTY

FILED

APR 16 1981

Robert O'Brien
 Clerk

IN THE CIRCUIT COURT OF RUSSELL COUNTY, VIRGINIA:

BETTY MEADE HALL

PLAINTIFF

VS.

ANSWER

BLANCHE MEADE SHANNON
ROBERT SHANNON
ALICIA MEADE ROBINSON
JOHN ROBINSON
PEGGY MEADE LAMBERT
STEVE LAMBERT
LINDA MEADE PURCELL
DOUGLAS PURCELL

Come now the Defendants and file this their answer
to a Bill of Complaint filed against them, answer and say:

1.

The Defendants admit the allegations contained in
Paragraph Nos. 1, 2, 3, 4 and 5, or as so much of said
Paragraphs are facts, and not to the correctness of the
conclusions of laws setforth therein.

2.

The Defendants deny the allegation setforth in Paragraph 6
of said Bill, and here state that the land herein is so situated
that the Plaintiff can have her interest laid off in kind.

3.

The Defendants further state that the prayer of said
Bill, i.e. S. Strother Smith, III be appointed Special
Commissioner to take evidence as to whether this property can
be divided in kind, is highly improper and is contrary to
the rules of equity procedure and the Defendants hereby

move the Court that an unbiased and disinterested Commissioner in Chancery of this Court be appointed to determine the facts and questions of law contained in suits of this sort, rendering his opinion to the Court as to whether or not the property can be laid off in kind.

4.

All allegations not herein denied are here specifically denied.

5.

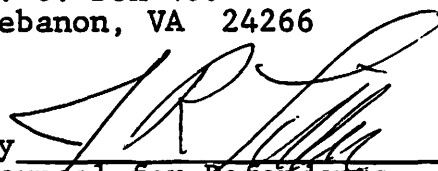
Wherefore, your Defendants pray that S. Strother Smith, III, be denied his request to serve as Special Commissioner to take evidence whether or not this property can be divided in kind, that the Defendants interest in said property be laid off as one tract, that a Commissioner in Chancery be appointed, as aforesaid, for said purposes set forth above.

And that your Defendants shall have such other, further and general relief as to equity shall seem meet, etc.

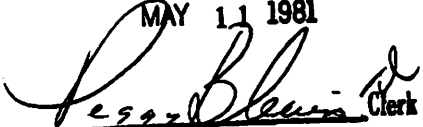
BLANCHE MEADE SHANNON
ROBERT SHANNON
ALICIA MEADE ROBINSON
JOHN ROBINSON
PEGGY MEADE LAMBERT
STEVE LAMBERT
LINDA MEADE PURCELL
DOUGLAS PURCELL

By Counsel

POPP, TILLER & SCHENKER
Attorneys at Law
P. O. Box 466
Lebanon, VA 24266

By 
Counsel for Defendants

CIRCUIT COURT RUSSELL COUNTY
FILED

MAY 11 1981
 Clerk

CERTIFICATE

I, J. R. Tiller, Attorney at Law, Lebanon, Virginia, hereby certify that I have this ~~11~~ day of May, 1981, forwarded a true copy of the foregoing Answer to S. Strothers Smith, III, Box 1204, 117 W. Main Street, Abingdon, Virginia, in the U. S. Post Office Lebanon, Virginia, 24266, prepaid.



COUNSEL

G.G. Popp
(1934 - 1976)
J.R. Tiller
N.M. Schenker

LAW OFFICES
POPP, TILLER & SCHENKER
P.O. Box 466
LEBANON, VIRGINIA 24266
(703) 889-1825

St. Paul Office
(703) 762-7287

September 3, 1981

Strother Smith, Esquire
Attorney at Law
P. O. Box 1204
Abingdon, VA 24210

RE: Betty Meade Hall v. Blanche Meade Shannon

Dear Mr. Smith:

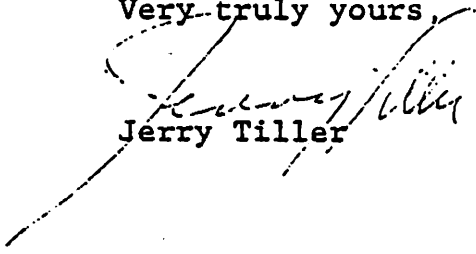
My clients have advised me that they have compromised the Partition Suit which you filed on behalf of Betty Meade Hall.

The compromise is set forth in the enclosed deed which has been signed and acknowledged by my clients.

Please have your client execute the same, returning same to me for recording.

Upon receipt of the deed I will forward to you a copy of a proposed Order dismissing this suit.

Very truly yours,


Jerry Tiller

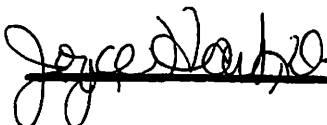
JRT/lc

Enclosure

CIRCUIT COURT RUSSELL COUNTY

FILED

MAR 6 1984

 Clerk

THIS DEED OF GIFT, made and entered into this the 23rd day of August, 1981, by and between ALICIA MEADE ROBINSON and JOHN ROBINSON, her husband, PEGGY MEADE LAMBERT and STEVE LAMBERT, her husband, LINDA MEADE PURCELL and DOUGLAS PURCELL, her husband, and BETTY MEADE HALL, being all of the children of Guy B. Meade, intestate, parties of the first part, and BLANCHE MEADE SHANNON, widow of Guy B. Meade, and ROBERT SHANNON, her husband, parties of the second part.

W I T N E S S E T H

THAT FOR and in consideration of the love and affection which the parties of the first part have for Blanche Meade Shannon, one of the parties of the second part, the parties of the first part have this day given, granted and conveyed unto Blanche Meade Shannon a life estate in and to all the hereinafter described property lying and being in the Castlewood Magisterial District of Russell County, Virginia, and being identically the same parcels of land conveyed unto Guy B. Meade and Blanche Meade Shannon, party of the second part, by Deeds of Gift, recorded on the 17th day of August, 1951, and May 9, 1958, which said deeds are of record in the Russell County Circuit Court Clerk's Office, in Deed Book 136, at Page 242, and Deed Book 163, at Page 403, respectively.

The parties of the second part hereby give, grant and convey unto Betty Meade Hall, Alicia Meade Robinson, Peggy Meade Lambert and Linda Meade Purcell, all of her interest in and to the aforesaid property, with English Covenants and General Warranty of Title, subject to the hereinafter reserved life estate.

Blanche Meade Shannon one of the parties of the second part hereby reserves a life estate in said property for and during the term of her natural life.

These conveyances are made subject to the exceptions, reservations, covenants and easements, if any, as contained in prior deeds of record.

WITNESS the following signatures and seals, the day, month and year first above written.

Alicia M. Robinson
ALICIA MEADE ROBINSON

John Robinson
JOHN ROBINSON

Peggy Meade Lambert
PEGGY MEADE LAMBERT

Steve Lambert
STEVE LAMBERT

Linda Meade Purcell
LINDA MEADE PURCELL

Douglas Purcell
DOUGLAS PURCELL

Betty Meade Hall
BETTY MEADE HALL

Blanche Meade Shannon
BLANCHE MEADE SHANNON

Robert M. Shannon
ROBERT SHANNON

STATE OF VIRGINIA
COUNTY OF Russell, To-Wit:

I, Harley M. Johnson, a Notary Public in and for the county aforesaid, in the State of Virginia, do hereby certify that Alicia Meade Robinson and John Robinson, husband and wife, whose names are signed to the foregoing Deed, bearing date on the

BOOK 307 PAGE 234

25th day of August, 1981, have acknowledged the same before me in my County aforesaid.

My Commission expires Feb 21, 1982

Given under my hand this 1st day of Sept

Shirley M. Johnson
NOTARY PUBLIC

STATE OF VIRGINIA
COUNTY OF Russell, To-Wit:

I, Shirley M. Johnson, a Notary Public in and for the county aforesaid, in the State of Virginia, do hereby certify that Peggy Meade Lambert and Steve Lambert, husband and wife, whose names are signed to the foregoing Deed, bearing date on the 25th day of August, 1981, have acknowledged the same before me in my County aforesaid.

My Commission expires Feb 21, 1982

Given under my hand this 1st day of Sept

Shirley M. Johnson
NOTARY PUBLIC

STATE OF VIRGINIA
COUNTY OF Russell, To-Wit:

I, Shirley M. Johnson, a Notary Public in and for the county aforesaid, in the State of Virginia, do hereby certify that Linda Meade Purcell and Douglas Purcell, husband and wife, whose names are signed to the foregoing Deed, bearing date on the 25th day of August, 1981, have acknowledged the same before me in my County aforesaid.

My Commission expires Feb 21, 1982

Given under my hand this 1st day of Sept

Shirley M. Johnson
NOTARY PUBLIC

BOOK 307 PAGE 235

STATE OF VIRGINIA
COUNTY OF _____, To-Wit;

I, _____, a Notary Public in and
for the county aforesaid, in the State of Virginia, do hereby
certify that Betty Meade Hall, whose name is signed to the
foregoing Deed, bearing date on the 25th day of August, 1981,
have acknowledged the same before me in my County aforesaid.

My Commission expires _____.

Given under my hand this _____ day of _____, 1981.

NOTARY PUBLIC

STATE OF VIRGINIA
COUNTY OF Wise, To-Wit;

I, Amelia M. Teent, a Notary Public in and
for the county aforesaid, in the State of Virginia, do hereby
certify that Blanche Meade Shannon and Robert Shannon, her
husband and wife, whose names are signed to the foregoing Deed,
bearing date on the 25th day of August, 1981, have acknowledged the
same before me in my County aforesaid.

My Commission expires 1/1/83.

Given under my hand this 2nd day of Sept, 1981.

Amelia M. Teent
NOTARY PUBLIC

VIRGINIA: In the Clerk's Office of the Circuit Court of Russell
County, Oct 33, 1981. This deed
was this day received in said Office, and, upon the certificate of
acknowledgment, therein appended, admitted to record, at
o'clock 6 M., after payment of \$ 1.50 tax imposed
by Sec. 55-54 (b).
Test: James M. Teent Clerk

Tax \$

Transfer Fee \$ 1.00

10,608

S. Strother Smith, III
Counsellor at Law
117 West Main St. - P. O. Box 1204
Abingdon, Va. 24210

(703) 628-5441

September 8, 1981

Jerry Tiller, Esq.
Popp, Tiller & Schenker
Attorneys at Law
P. O. Box 466
Lebanon, VA 24266

Re: Betty Meade Hall v. Blanche Meade Shannon

Dear Mr. Tiller:

This letter is in response to yours of September 3, 1981. I am returning herewith the so-called Deed of Gift which I understand according to your clients was a result of a compromise of the Partition Suit which I filed on behalf of Betty Meade Hall. Upon receiving your letter I contacted my client because I knew of absolutely nothing of any so-called compromise and talked to my client about it and she informed me that she absolutely had not agreed to compromise the Partition Suit in any way, shape or form; that even if she had desired to compromise the Partition Suit the fact that her family apparently deliberately left her husband off of the deed in the compromise indicated further to her that her mother and siblings did not consider her family a part of the family and under such circumstances she would have rejected any compromise. Furthermore, you are hereby informed as far as I am concerned the preliminary hearing before Judge Phillips in Lebanon at 9:30 on September 14, 1981 is still on. At that time I intend to ask the Judge to appoint a special commissioner to make his findings as to whether or not this property can be divided in kind and if not to recommend that it be sold at Public Auction and that the monies for the property be divided according to the interest of the parties.

If your clients truly wish to compromise the matter we would consider doing so by having appraisals made of the property one by you, one by my client, and possibly a third appraisal chosen by the two people who made the appraisals for each side (both of whom should be MIA Appraisers) and then seeing that my client had paid over to her the full amount of her share of the property as shown by those appraisals upon which

she and her husband would sign a deed granting their interests to her mother or to anyone that your clients directed that she should sign such a deed to.

My client is not interested in keeping some remainder interest in property that she has absolutely no chance to use or enjoy until sometime that her mother might die. Frankly she wishes her mother a very long life and would not have to depend upon her mother dying in the near future to be able to enjoy the inheritance that she should have already had from her father.

In the meantime my client has asked that I write you and ask you to instruct your clients that under no circumstances are your clients to get in touch with my client or to bother her or harass her in any way and that if they have any messages to deliver to her they can do so through me.

Hoping that we can settle this matter upon the terms set forth herein and if not looking forward to seeing you on September 14th in Judge Phillips office, I am

Sincerely yours,

S. Strother Smith, III/hmw

S. Strother Smith, III

hmw

Enclosure

cc: Judge Phillips
Clerk of Court
Betty Hall

CIRCUIT COURT RUSSELL COUNTY

FILED

SEP 10 1981

Jeff Phillips *2*
Jeff Phillips Clerk

BETTY MEADE HALL,
Plaintiff

48 PAGE 487

BLANCHE MEADE SHANNON, ET AL.
Defendants

This day came the Plaintiff, Betty Meade Hall, by counsel and came the Defendants Blanche Meade Shannon, by counsel and upon Plaintiff's Motion for the Appointment of a Special Commissioner the court decided the following:

1. That Jo Molinary, Esquire, an attorney of good repute practicing before this court to be appointed as Special Commissioner to investigate and report back to this court of the following matters:

A. The names and respective interests of all of the parties to this suit and any tracts of land owned by the decedent, Guy B. Meade, either individually or jointly with his wife the defendant Lena Blanche Meade Shannon;

23

plaintiff and the defendants pro rata according to their interests.

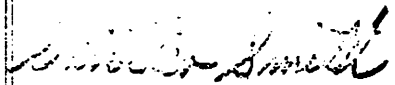
C. In the event that the land is to be sold what charges may be against the land including the court costs, sales fees, ~~etc.~~ and that she should make a report back to the court within sixty days (60) of her appointment herein.

WHEREFORE, it is adjudged, ordered and decreed that the said Jo Molinary, Esquire, be appointed as Special Commissioner to make the inquires set forth above and this case is continued pending her report.

Enter this 15th day of November, 1986.


JUDGE PHILLIPS

Requested,


S. Strother Smith
P.O. Box 1204
Abingdon, VA 24210

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF RUSSELL:

BETTY MEADE HALL

BOOK

49 PAGE 580

COMPLAINANT

V.

CHANCERY 10,608

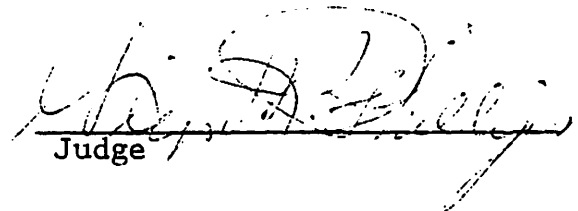
BLANCHE MEADE SHANNON, et als

DEFENDANTS

It appearing to the Court that Jo Molinary was appointed Special Commissioner in the above styled case on the 16th day of November, 1981, and it further appearing to the Court that Jo Molinary is so situated as to render it impossible for her to act as such.

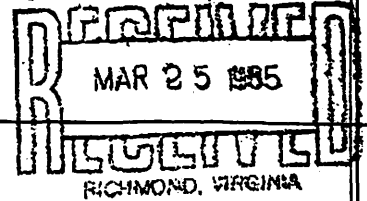
It is ORDERED that Hilary Johnson, be and she is hereby appointed Special Commissioner to make the inquires as set forth in the order of November 16, 1981.

Enter, this 25th day of August, 1982.


Judge

Judge Phillips

Judge Persin



V I R G I N I A:

IN THE CIRCUIT COURT FOR THE COUNTY OF RUSSELL

BETTY MEADE HALL

VS.

:
:
:
:
Chancery No. 10,608

BLANCHE MEADE SHANNON, et als

COMMISSIONER'S HEARING OF SEPTEMBER 24TH, 1982.

CIRCUIT COURT RUSSELL COUNTY

FILED

DEC 6 1983

APPEARANCES:

Delores J. Ross
Clerk

S. STROTHER SMITH, III, J.D., Abingdon, Virginia
Counsel for Ms. Hall

LINDA TILLER, J.D., Lebanon, Virginia
Counsel for the Defendants.

HILARY JOHNSON, Special Commissioner.

* * *

Q Do you need to know who my sister has her loan through the bank and I have a loan through the bank?

A No, no. I was just asking you the question. And you've answered it. And I accept your answer.

A Okay.

Q I'm not questioning your answer. You have to understand that this is a process for all of us to learn what the situation is. And I'm not accusing you of anything. I'm just trying to find out what the facts are.

A Well, okay. My mother or no one has purchased me a trailer to live in, unfortunately.

Q And the same is true with --

MS. HALL: Not her. Not her. Mother, didn't you buy the first trailer that went in? I mean, the first trailer there as you turn in there at the road?

MS. LAMBERT: No.

MS. SHANNON: Yes, but I sold it. It was bought.

Q All right. Now, in regard to the arrangement that you had for everybody to deed over your parts to your mother for her lifetime, and then the remainder would come back to the four of you --

A Yes.

Q Prior to the time that this was actually done

1 Lambert - Cross

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3 in a fait accompli, as far as you and your other two sisters
4 were concerned, do you know if this was ever discussed with
5 Betty?

6 A Yes, sir, I do.

7 Q When was it discussed?

8 A The four of us went to an attorney in Bristol,
9 Mr. Warner.

10 MS. HALL: Bowie.

11 A Bowie. And he was to take care of all of this.
12 But I don't know. Time dragged on and he never got around
13 to fixing the deeds correctly or anything. And he handled
14 a couple of other affairs for Betty and Mother with property
15 settlement in Florida. And at the time when we first went
16 to Mr. Bowie, this is what we had decided to do, what the
17 four children had decided to do. And it was talked and
18 discussed there in Mr. Bowie's office.

19 Q Okay. But when this was actually done, it was
20 done by Mr. Tiller, is that right?

21 A Yes, sir. Yes, sir.

22 Q And Mr. Tiller, as far as you know, never had
23 any conversation with Betty, did he?

24 A I have no way of knowing that.

25 Q Okay. And before you all actually went through

1 Lambert - Cross

2
3 with it, she wasn't informed of any of this, was she?

4 MS. HALL: No, sir.

5 A: Yes, sir.

6 MS. HALL: No, I wasn't.

7 A: Well, I think --

8 COMMISSIONER: Well, let's let her -- she's the one
9 testifying.

10 A: Now, I think -- this is hearsay. I have no way
11 of knowing what --

12 Q: No. Just what you know. As far as you know,
13 she was not notified, was she?

14 A: I did not tell her.

15 Q: And as far as you know, of your own knowledge,
16 she wasn't consulted in any way, shape, or form about this,
17 was she?

18 MS. HALL: No, sir. No, sir.

19 Q: As far as you know, of your own knowledge?

20 A: Of my own knowledge?

21 Q: Yes, ma'am.

22 A: Being there in person?

23 Q: Right.

24 A: Being there in person, no, sir.

25 MR. SMITH: That will be all.

* * *

Q And how close is that to the Meade property?

A Five miles. Approximately five miles.

Q And how does that property lay?

A It lays in good -- it's good farming land.

And there's a nice brick home on it.

Q And who bought that property?

A Fred Meade from Saint Paul.

Q Do you know for what purposes he bought the farm for?

A Farming and just having a place to go to, you know. They have two or three homes.

Q Mrs. Shannon, are you -- do you still have an interest in this land?

A Yes.

Q And what interest do you have in the land, to the best of your knowledge?

A Well, I have -- we had a joint deed. I owned half. And then the girls, the three girls, made me their father's half, until my death. And I'm to return it all back to the children at my death. I give it back.

Q And is this deed on record?

A Yes, it is.

Q And do you know the date of the deed, approxi-

mately?

A. No, I don't.

Q. All right. But it's been since this suit has been started?

A. Yes. Yes. It was before.

Q. All right. To the best of your knowledge, was Betty Hall aware of the agreement?

A. Well, the girls said that they went over --

MR. SMITH: Your Honor, I would object to any hearsay. Now, if she knows of her own knowledge or if she told her or was present when she was told, she can testify to that.

Q. Did you discuss it with Betty?

A. I didn't know they were going to do it.

Q. All right.

A. They just give it to me as a gift.

Q. So, you didn't discuss it with Betty, yourself?

A. No.

Q. Mrs. Shannon, are you willing to lay off a portion of the land to Betty if that can be done?

A. Yes, ma'am.

Q. And are you also willing to buy out Betty's share if a value can be agreed upon?

A. Yes, a fair price. Yes, ma'am.

* * *

MS. HALL: Well, I don't want back on the -- you know,
I don't want --

MR. SMITH: But if you could work out an agreed area
that could be laid off for you, that would suit you, too?

MS. HALL: Right.

COMMISSIONER: Okay. What I was interested in is if
we couldn't get a mutually agreeable part for you, to be
laid off, then you would be willing to have the others buy
your share?

MS. HALL: Right.

COMMISSIONER: Okay. That's all.

MS. TILLER: I'd like to make a couple of statements
in closing. I would like to bring to the Commissioner's
attention that Mr. Castle's estimate was made on sixty-three
acres rather than fifty-two.

COMMISSIONER: Right.

MS. TILLER: And that would affect his estimate some-
what since he based it on a thousand dollars per acre. And
I would also like to make a motion that all of the expenses
be considered in this, to be deducted from the pro-rata
shares. And I'd also like to make a motion that -- I think
it's proper for the Court to do this rather than the
Commissioner, but I'm not sure what the procedure is on it.

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3 But I would like to make a motion that there be three
4 commissioners appointed to go on the land, one chosen by me,
5 one chosen by Mr. Smith, and one, a surveyor, to go on the
6 property and see if the property can be divided, and find
7 out how it can be divided up.

8 MR. SMITH: I have no problems with that. I would
9 suggest that -- we already have one appointed by the Court.
10 Maybe I could appoint one and --

11 COMMISSIONER: There's not been -- oh, oh.

12 MR. SMITH: I'm talking about having you go ahead and
13 be -- since you're familiar with it. And then have one
14 appointed by each of the respective parties. But as far
15 as the expenses are concerned, I agree that the expenses
16 should be included, the expenses that are attributable to
17 the maintenance for the real estate, should be included
18 but -- and also expenses that were involved in income pro-
19 ducing, such as expenses relative to the trailer court. But
20 I would also suggest that if the expenses are to be included,
21 that the income is to be included also. I understand that
22 that would be -- it would include income and expenses and
23 then the property.

24 COMMISSIONER: All right. Anything further?

25 MS. TILLER: I believe the income to be included, it

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3 would be property to include the income since the accounting.

4 MR. SMITH: Well, as far as the income from the land
5 is concerned, I would want the income included for the whole
6 time if we're going to include the expense for the whole
7 time. In other words, if we're going to include income
8 only from the accounting, then we would included expenses
9 only from the accounting. Whatever -- however it goes. I
10 don't even know when the accounting was. Do you know when
11 the accounting was?

12 MS. TILLER: No.

13 MS. SHANNON: Yes, here it is.

14 MR. SMITH: That was never made available to my client.

15 MS. TILLER: The accounting was January the 4th, 1980.
16 But there weren't any '80 expenses -- well, the expenses
17 and income was apparently '76, '77, and -- most of the
18 expenses were in '76. She has one tax return in '77 and
19 one Internal Revenue in '78. And other than that, every-
20 thing is '76 or the year of the death.

21 MR. SMITH: Well, anything that's included in the
22 accounting probably should not be considered either by way
23 of expense or by way of income. Anything after the account-
24 ing, that's not included in the accounting, I would think,
25 should be included here.

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COMMISSIONER: Well, I'll take that under consideration.

MS. TILLER: I'm not sure of the procedure on the commissioners, whether the Court has to appoint those or --

COMMISSIONER: I'm not either. I'll check into that and talk to Judge Phillips about it.

MS. TILLER: But do you agree that one of them be a surveyor, Mr. Smith?

MR. SMITH: I have no objection to that, at all. I think that's a good idea.

MS. TILLER: Are you familiar with Kenneth Addison?

MR. SMITH: Kenneth Anderson?

MS. TILLER: Addison. He does survey work here in Lebanon. Would you have any objection to him going --

MR. SMITH: I don't think I would have any objection.

MS. TILLER: He works for the State Highway Department but he surveys on weekends.

MR. SMITH: I don't think there would be any objection. The idea is trying to come up with something that's agreeable to everybody. So I don't think it makes much difference as to who does it if they can come up with something that's agreeable.

MS. TILLER: I believe a surveyor would be more able to tell whether it could be divided than anyone else.

VIRGINIA:

IN THE CIRCUIT COURT OF RUSSELL COUNTY

BETTY MEADE HALL,
Plaintiff,

vs.

BLANCHE MEADE SHANNON, ET AL.,
Defendants.

REPORT OF SPECIAL COMMISSIONER

The undersigned was appointed Special Commissioner by decree entered in this cause on August 25, 1982. A hearing was held by the Commissioner on September 24, 1982, in the Law Library of the Circuit Court of Russell County, Lebanon, Virginia, and testimony of witnesses taken. Your Special Commissioner makes a part of this report the transcript of the hearing held on the aforesaid date.

Based on the evidence produced before your Special Commissioner, and her examination of the records of the Clerk's Office of this Court, the following report is respectfully submitted:

I.

THE NAMES AND RESPECTIVE INTERESTS OF ALL OF THE PARTIES TO THIS SUIT AND ANY TRACTS OF LAND OWNED BY THE DECEDENT, GUY B. MEADE, EITHER INDIVIDUALLY OR JOINTLY WITH HIS WIFE, DEFENDANT, LENA BLANCHE MEADE SHANNON?

The following individuals are all the parties to this suit:

Blanche Meade Shannon
Peggy Lambert
Linda Frizzell
Lisa Robinson
Betty Hall

The tracts owned by the decedent, Guy B. Meade, either individually or jointly with his wife, the defendant, Lena Blanche Meade Shannon, include, among others, several tracts subject of this law suit, attached to the Bill of Complaint as Exhibits A and B. Specifically, this property is made up of two (2) separate tracts, the first being a 52.5-acre farm located on Route 609, which also includes a 15-lot trailer court. The second tract is comprised of approximately 27 acres, located on Route 58, which includes a Kayo Station, a welding shop, and a trailer lot. In addition to the aforementioned tracts subject of this law suit, the deceased also owned a cemetery lot in Temple Hill, Russell County, Virginia; and a house on a 50 foot x 50 foot lot located at 413 Usina Street, St. Augustine, Florida, at the time of his death, both of which are not included in this law suit.

A. 52.5-Acre Farm

Mr. David Castle, witness for the plaintiff, appraised the "63 acre" farm, including buildings, at \$100,000. Because the tract of property is in fact only 52.5 acres, it was necessary to adjust his appraisal by subtracting \$10,500, his value for 10.5 acres, from his \$100,000 figure. Therefore, the net appraisal for the 52.5-acre farm, based on Mr. Castle's value, is \$89,500. This figure includes the property on which

the trailer park is located, which Mrs. Blanche Shannon testified is two (2) acres. Therefore, using Mr. Castle's figure of \$1,000 per acre, the net value of the farm, excluding the trailer park property, is \$87,500.

Mr. Garland Patton, witness for defendants, appraised this tract at \$88,700, valuing the property at \$2,000 per acre. Excluding the trailer park property (two acres), Mr. Patton's appraisal of the farm would be \$84,700.

Mr. Steve Wise, witness for defendants, appraised this tract at \$89,000, valuing the property at \$1,000 per acre. Therefore, the net value of the farm, excluding the trailer park property, would be \$87,000.

All witness who testified at the September 24, 1982, hearing were of the opinion that although the farm property itself could not be partitioned in kind, the trailer court or lots thereof could be set off from the rest of the property, providing a water easement was granted to the trailer lots from the owner of the farm.

B. 27-ACRE TRACT

On this 27-acre tract, which consists mostly of steep wood hillside, is located a Kayo gas station, welding shop, and a trailer lot. Mr. Castle appraised this tract, with improvements, at \$38,700. Mr. Patton appraised this same property at \$37,100. Mr. Wise's appraisal of this property was \$34,600. His understanding, however, was that the total monthly rent from the premises (Kayo gas station, which rented for \$350 a month, the welding shop, which rented for \$250 a month, and the trailer

lot which rented for \$40 a month) was \$500 a month, when it was, in actuality, \$640 a month. He testified that had he known the true value of the property, his estimate would have been higher. However, because he did not detail his method for computing the value to the Court, this Commissioner is unable to adjust his appraisal to reflect the true value of the property. Therefore, the figure of \$34,600 decided by Mr. Wise was used in the computations of the average value. This average value is \$36,800.

C. TRAILER PARK

This trailer park, comprising approximately two (2) acres according to Mrs. Shannon's testimony, located on the 52.5 acre farm, consists of 15 trailer spaces, 13 of which are rented. These trailer spaces rent for between \$40 and \$45 per month. Mr. Castle appraised this trailer park at \$40,500. It was appraised by Mr. Patton at \$25,000 and by Mr. Wise at between \$25 - \$30,000, which this Commissioner stated to be \$27,500. The average value for the trailer park is \$31,500.

The total value of the real estate, subject of this partition suit, is \$154,200. This figure was reached by adding the average values for the trailer park; the 52.5 acres minus the trailer park; and the 27 acre tract. The law in effect at the death of Guy Meade was used to determine the dower interest for a 1/3rd life estate. The figures used under Virginia Code § 55-269.1 were those figures in effect at the date this law suit was filed, which was prior to July of 1981. The date of birth of Blanche Shannon is December 4, 1920. This information

was supplied by affidavit, which affidavit is attached and made a part of this Commissioner's Report. This would indicate Blanche Shannon's current age is 62, which figure also was used for computation. The following figures reflect each parties share of the real property:

Blanche Shannon: The value of her life estate, being a 1/3rd interest, is \$25,525.24. However, by deed of gift dated August 25, 1981, of record in the Russell County Clerk's Office in Deed Book 307, at page 232, Alicia Meade Robinson, and her husband, Peggy Meade Lambert, and her husband, and Linda Meade Frizzell, and her husband, conveyed a life estate of their share of the property to their mother, Blanche Shannon. Therefore, Blanche Shannon has an additional interest in \$128,674.76, being the remainder of the property after deducting Blanche Shannon's initial dower interest. Three-fourths (3/4ths) of this figure is \$96,506.07, this figure being the amount on which this Commissioner calculated Blanche Shannon's additional life estate share. This share (the value of the life estate conveyed by three of the four of Blanche Shannon's daughters to Blanche Shannon) is \$47,924.91. Therefore, the total value of Blanche Shannon's interest in this property is \$73,450.15.

Betty Hall: Because Betty Hall did not convey any life estate interest to Blanche Shannon by the aforementioned deed of gift, her share was calculated by taking 1/4th of the \$128,674.76. Her share is \$32,168.69.

Alicia Meade Robinson: After deducting the life estate from her share which she conveyed to her mother by the aforementioned deed of gift, the remaining value of her share is \$16,193.72.

Peggy Meade Lambert: After deducting the life estate from her share which she conveyed to her mother by the aforementioned deed of gift, the remaining value of her share is \$16,193.72.

Linda Meade Frizzell: After deducting the life estate from her share which she conveyed to her mother by the aforementioned deed of gift, the remaining value of her share is \$16,193.92.

As stated above, all parties agreed that the property on which the trailer court was located could be set-off from the rest of the property, providing a water easement was granted to the owner of the trailer lots from the owner of the farm. Betty Hall's share of the real property is \$32,168.69. The average value for the trailer park is \$31,500. Therefore, this Commissioner would recommend that the trailer park, plus \$668.69 be set-off for Betty Hall as her share of the real property. This is separate and apart from the amount due Betty Hall from the net income of the estate.

INCOME

A. Trailer Court. Mrs. Shannon's figures state the income for the trailer court from 1976 to 1982 to be \$29,745.

B. Trailer at Kayo. Mrs. Shannon stated the total income from 1979 through 1982 for the trailer at Kayo to be \$1,600.00.

C. Mrs. Shannon stated the total income from the rental of the Kayo gas station from 1976 through 1982 to be \$25,000.

D. Welding Shop. Mrs. Shannon stated the total income from 1976 through 1982 for the welding shop to be \$12,100.

E. Mrs. Shannon stated the farm was sharecropped from 1976 to 1978, and therefore, she received no income from the

farm. However, from 1979 to 1981, Mrs. Shannon received \$4,500 income from leasing the property for the farming of corn and tobacco.

The total income from the above sources is \$72,875.

EXPENSES

The total expenses from 1976 through 1982, excluding the electric bill, was \$30,147.99. Mrs. Shannon has provided this Commissioner with copies of checks and receipts to reflect the payments. Additionally, Mrs. Shannon provided this Commissioner with the amount paid in electric bills from 1976 to 1982 for the "street light". This total is \$864. Additionally, Mrs. Shannon provided this Commissioner with the total amount paid for the "clubhouse" electric from 1976 to 1982. This figure was \$1,800. However, Mrs. Shannon indicated the average cost per month was \$25. The figure listed for 1976 was \$300, which indicates Mrs. Shannon took into account all twelve months in 1976. However, since Mr. Guy Meade's death did not occur until September of 1976, this Commissioner excluded the first eight (8) months of 1976. The \$300 figure for 1976 has been adjusted to \$100, and the \$1,800 total has likewise been adjusted to \$1,600. Finally, Mrs. Shannon would like to claim \$18,000 as "overseer" fee, being \$250 a month for the years 1976 through 1982. This Commissioner is of the opinion this expense should not be allowed, especially since part of the property Mrs. Shannon was overseeing was in fact property over which she had a life estate. Therefore, this Commissioner finds a total for expenses of \$32,611.99.

After deducting the expenses from the income for the period 1976 through the hearing date in 1982, this Commissioner finds a net income from these two (2) tracts of \$40,263.01.

The respective shares of each of the parties to this law suit of the net income of the estate was calculated as follows:

The total expenses of \$32,611.99 was deducted from the total income of \$72,875, for a net income of \$40,263.01. According to Virginia Code § 64.1-33, a widow is entitled to 1/3 of this amount, or \$13,421. The remaining balance, \$26,842.01 was divided four ways, for each of the four daughters, giving Alicia Meade Robinson, Peggy Meade Lambert, Linda Meade Frizzell and Betty Meade Hall each a share of \$6,710.00. These figures reflecting share of the net income can be added to the figures reflecting the share for the real property to get each party's total share in the estate.

IN THE EVENT THE LAND IS TO BE SOLD WHAT CHARGES MAY BE AGAINST THE LAND INCLUDING THE COURT COSTS, SALES FEES, ETC?

There are no delinquent taxes owed on the subject property. Neither are there any outstanding liens or judgments against any of the persons who are parties to this lawsuit. Therefore, the only charges against the land would be court costs, to include the Commissioner's fee, and sales fees.

This report is based on the records of the Circuit Court of Russell County, testimony taken at September 24, 1982, hearing, and later submitted evidence by counsel for Mrs. Shannon of income, expenses and receipts from the property subject of this partition suit and affidavit submitted by Mrs. Shannon reflecting her date of birth, which information was needed to compute the values of the various shares.

Respectfully submitted,

Hilary K. Johnson
Hilary K. Johnson

CIRCUIT COURT RUSSELL COUNTY

FILED

DEC 6 1983

Debra J. Kays Clerk

VIRGINIA:

IN THE CIRCUIT COURT OF RUSSELL COUNTY

BETTY MEADE HALL

PLAINTIFF

VS: EXCEPTION TO REPORT OF
SPECIAL COMMISSIONER

BLANCHE MEADE SHANNON, et al

DEFENDANTS

Defendants, Blanche Meade Shannon, et al, object to the Report of Special Commissioner dated December 2, 1983, on the following grounds:

1.

On Page 4 of the said Commissioner's Report, Betty Hall's portion of the real estate is valued at \$32,168.69. By deed of gift dated August 25, 1981, Blanche Shannon conveyed the remainder interest in the real estate at issue in this suit to Alicia Meade Robinson, Peggy Meade Lambert, Linda Meade Frizzell, and Betty Hall. Alicia Meade Robinson and her husband, Peggy Meade Lambert and her husband, and Linda Meade Frizzell and her husband, conveyed a life estate in their share of the property to their mother, Blanche Shannon by the same deed. As testified to at the Commissioner's hearing, it was the understanding of all of the parties involved, with the exception of Betty Hall, that the parties to this suit had reached an understanding on settling the property and had the deed prepared for everyone's signature on August 25, 1981;

said deed to give Blanche Shannon a life estate in the entire property at issue in this suit and to give remainder interest in the entire property, equally to Alicia Meade Robinson, Peggy Meade Lambert, Linda Meade Frizzell and Betty Meade Hall. After all of the Defendants and spouses signed the deed, the Plaintiff, Betty Hall and her spouse, refused to sign the deed.

As it was the Defendants' understanding that an agreement had been reached and they were complying with that agreement in conveying Betty Hall an additional interest in the land, it is not equitable for Betty Hall to receive a larger share of the real estate at the expense of Alicia Meade Robinson, Peggy Meade Lambert, Linda Meade Frizzell and Blanche Shannon's shares when the gift was made to Betty Hall with the understanding that Betty Hall would convey Blanche Shannon a life estate in her interest in the land.

2.

On Page 5 of the Commissioner's Report, the Commissioner recommends that the property on which the trailer court is located be set off from the rest of the property for Betty Hall's portion of the real estate. The testimony before the Commissioner was that Blanche Shannon, through her own physical labor as well as her supervision of other workers, has caused most of the trailer spaces to be established after the death of Guy Meade. Considering that the trailer park is an income-producing piece of real estate, and that the Defendant, Blanche Shannon, caused most of the trailer court to be an income-producing piece of real estate, and the fact that Blanche Shannon lives next door to the trailer court and

manages same, it would be inequitable for Betty Hall to be assigned this portion of the real estate as her share of the real estate.

3.

On Page 6 of the Commissioner's Report, the Commissioner disallowed Mrs. Shannon \$18,000.00 as overseer fee, said overseer fee being \$250.00 a month for the years 1976 through 1982. According to testimony at the Commissioner's hearing, Mrs. Shannon has supervised, as well as used her own physical labor, to build the majority of the trailer court, to farm the land, to make repairs, to collect rents, etc., it is proper that Mrs. Shannon be reimbursed for her labor and supervision during these years of the entire property.

BLANCHE MEADE SHANNON, et al

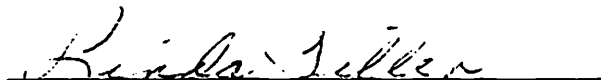
By Counsel

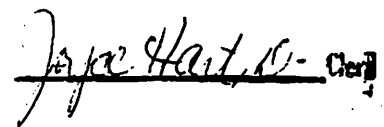
TILLER, SCHENKER & TILLER
Attorneys at Law
P. O. Drawer M
St. Paul, Va. 24283

CIRCUIT COURT RUSSELL COUNTY

FILED


DEC 19 1983


LINDA TILLER
Counsel for Defendants

 J. H. Hart, Jr. - Clerk

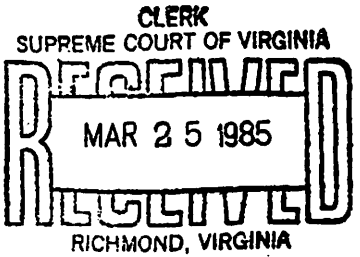
CERTIFICATE

I hereby certify that I have mailed a true and correct copy of the foregoing Exception to Report of Special Commissioner to S. Strother Smith, III, Attorney at Law, P. O. Box 1204, Abingdon, Va. 24210, Counsel for Plaintiff, this 16th day of December, 1983.


COUNSEL

850296

IN RUSSELL COUNTY CIRCUIT COURT, LEBANON, VIRGINIA



BETTY MEADE HALL *

Plaintiff *

*

*

*

V. *

*

*

*

*

BLANCHE MEADE SHANNON *

Defendant *

CIRCUIT COURT RUSSELL COUNTY

FILED

MAR 20 1984

[Signature]

2484 *[Signature]* Clerk

This is a Hearing on a Motion before

Honorable Judge G.R. Phillips

GUNNING REPORTING SERVICE
PROFESSIONAL VERBATIM COURT REPORTER
3804 RIDGELINE DR.
KINGSPORT, TENNESSEE 37664

* * *

1
2 I never even talked compromise, and my client never agreed,
3 nor did my client talk compromise. Anything that may have
4 happened, occurred between the mother and the defendants.
5 There was never a compromise between the plaintiff and the
6 defendants, and if we're going to be talking about anything
7 that was a so-called compromise, then it is totally irrelevant
8 to my client.

9 Mr. Tiller That's exactly what I am saying. It's
10 totally irrelevant. This deed of compromise is totally
11 irrelevant, and since she didn't sign the deed she can neither
12 give by the deed or take by the deed.

13 So, the Commissioner in Chancery gave Betty Hall interest in
14 Blanche Shannon's interest to that deed which Mr. Smith says
15 that they have no interest in. But Blanche did not take by
16 that deed, and in order to be parties to a conveyance, you
17 must have both parties, the first party and the second party,
18 and they must sign and execute the deed, if it's a joint deed
19 and a deed of gift where they exchange property, and in this
20 position it was really a deed of gift because she was given
21 more than what she was getting, or you can call it a deed of
22 exchange.

23 Now, unless the first party lets both parties sign the deed,
24 then neither takes the interest, and we are saying Betty Hall
25 did not take nothing by this deed that's in the file.

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if Betty Meade Hall wouldn't voluntarily do it, to have the other three do it, and then force Betty Meade Hall into...

Mr. Tiller You Honor, I object to this statement.

Judge Phillips He has a right to argue his case, and then you can respond.

Mr. Smith So, the situation was that this was a deliberate attempt by the mother to, in effect, un-do anything that her daughter, Betty Meade Hall, could get. At least so long as she lived and she got the other three daughters to sign it. She never for one minute had any reason to believe that Betty Meade Hall was going to sign that. Never for one minute did she have any reason to believe that Betty Meade Hall was going to sign it.

She and Betty had not gotten along because of problems dating back for many, many, many years, but she was trying to force Betty Meade Hall into a position that would cut her out of her fair share of her inheritance, and so at any rate, she's the one that arranged to have the deed written. She's the one who got the other daughters signing the deed and she's the one who conveyed her interest by that deed to the four daughters. It was no contract that Betty Meade Hall should be held to at all.

* * *

TWENTY-NINTH JUDICIAL CIRCUIT OF VIRGINIA

COUNTIES OF .ND BUCHANAN DICKENSON GILES. RUSSELL AND TA. ELL

CIRCUIT COURT JUDGES:

June 25, 1984

GLYN R. PHILLIPS
CLINTWOOD, VIRGINIA 24228

NICHOLAS E. PERSIN
GRUNDY, VIRGINIA 24614

ROBERT L. POWELL
PEARISBURG, VIRGINIA 24134

S. Strother Smith, III, Esquire
Post Office Box 1204
117 W. Main Street
Abingdon, Virginia 24210

Jerry R. Tiller, Esquire
P.O. Drawer M
St. Paul, Virginia 24283

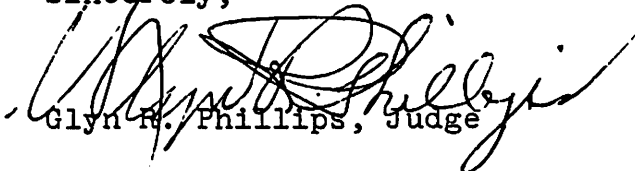
Re: Betty Meade Hall v. Blanche Meade Shannon, et al

Gentlemen:

The Court is of the opinion that the Exceptions to the Report of the Special Commissioner should be denied and the recommendations of the Report of the Special Commissioner should be confirmed.

Betty Meade Hall is therefore adjudged to be entitled to \$32,168.69 which represents her 1/4 share of the \$128,674.76 estate. The defendant (s) may pay this amount to Betty Meade Hall directly, whereby all of her interest in the property would be relinquished, or they may sell some portion of the property equivalent in value to the \$32,168.69 and give to Betty Hall the proceeds of the sale. Either process would result in Betty Meade Hall being denied any further interest in the Guy B. Meade estate.

Sincerely,

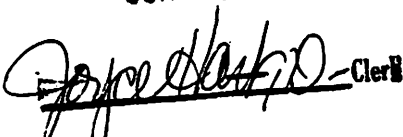

Glyn R. Phillips, Judge

GRP/jyw

cc: Hilary K. Johnson, Esquire

CIRCUIT COURT RUSSELL COUNTY
FILED

JUN 25 1984

-Clerk

VIRGINIA:

IN THE CIRCUIT COURT OF RUSSELL COUNTY

BETTY MEADE

PLAINTIFFS

VS: MOTION TO RECONSIDER THE COURT'S OPINION, CONTAINED IN LETTER
OF 6/25/84, OVERRULING THE EXCEPTIONS TO
THE REPORT OF THE COMMISSIONER IN CHANCERY

BLANCHE MEADE SHANNON,
ALICIA MEADE ROBINSON,
PEGGY MEADE LAMBERT and
LINDA MEADE PURCELL

DEFENDANTS

Come now the Defendants, BLANCHE MEADE SHANNON, ALICIA MEADE ROBINSON, PEGGY MEADE LAMBERT and LINDA MEADE PURCELL, and file this their Motion to Reconsider the Opinion of the Court Overruling the Exceptions to the Commissioner in Chancery's Report, dated June 25, 1984, set forth the following:

1.

The question involved herein is the proportionate share of the children of Blanche Meade Shannon and Guy Meade, deceased, in and to the property contained in the partition suit and set forth in the Bill of Complaint.

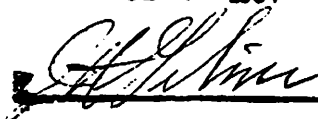
2.

Counsel for Plaintiff, Betty Meade Hall, sets forth, correctly, the interest of the parties in the Bill of Complaint, at pages 2 and

CIRCUIT COURT RUSSELL COUNTY

FILED

JUL 25 1984

 Clerk

3 of said Bill, and quoted as follows:

"Thus, your Plaintiff, Betty Meade Hall, has a $\frac{1}{4}$ of $\frac{1}{2}$ interest (less her mother's dower interest in her father's $\frac{1}{2}$ of the property), in each of the aforesaid tracts of land.

Betty Meade Hall (a $\frac{1}{8}$ interest less her pro-rata share of her mother's dower in $\frac{1}{2}$); Peggy Meade Lambert (a $\frac{1}{8}$ interest less her pro-rata share of her mother's dower interest in $\frac{1}{2}$ interest); Alicia Meade Robinson (a $\frac{1}{8}$ interest less her mother's dower interest in $\frac{1}{2}$) and Blanche Meade Shannon (a $\frac{1}{2}$ interest plus her downer interest in the $\frac{1}{2}$ interest formerly owned by the Plaintiff's father, Guy B. Meade)."

It is quite clear at this stage of the proceedings, the children of Blanche Meade Shannon and Guy Meade, deceased, held equal proportions in the property.

3.

During the course of the proceedings herein, a deed was executed by all parties, with the exception of Betty Meade Hall, whereby Blanche Meade Shannon conveyed all of her interest in and to the property to her children, reserving a life estate therein. A copy of the deed is attached and on page 1 thereof, marked in red, is the clause reserving a life estate in said property to Blanche Meade Shannon, and reads as follows:

"Blanche Meade Shannon, one of the parties of the second part, hereby reserves a life estate in said property for and during the term of her natural life."

At the time of the conveyance, Blanche Meade Shannon owned one-half of the property in fee simple, along with her dower interest in the remaining one-half.

After the deed went into effect, Blanche Meade Shannon, continued to hold the same interest in the one-half previously owned by Guy Meade, deceased, and all of her children continued to hold the same interest in the one-half previously owned by Guy Meade, even though Betty Meade Hall did not sign the deed of exchange.

4.

The Commissioner in Chancery set forth the interest of Betty Hall, on page 4 of her Commissioner's Report, as follows:

"Betty Hall: Because Betty Hall did not convey any life estate interest to Blanche Shannon by the aforementioned deed of gift, her share was calculated by taking one-fourth of the \$128,674.76. Her share is \$32,168.69."

The Commissioner further set forth the interest of Alicia Meade Robinson as being \$16,193.72, Peggy Meade Lambert \$16,193.72, and Linda Meade Purcell \$16,193.72.

By the furtherest stretch of imagination, one could hardly consider that Betty Meade Hall's refusal and failure to sign the deed of gift affected her three sisters to the extent of a difference in their proportion or interest in the estate of \$15,974.97.

The only interpretation that can be given to the deed is that Blanche Meade Shannon reserved a life estate in and to the 1/8 interest which was deeded to Betty Meade Hall, thereby treating all of her children equally and not giving her an excess over the others of \$15,974.97.

5.

However, it is the contention of the Defendants that Betty Meade Hall cannot receive any interest by the deed, as she did not

execute the same and it is clear from the instrument itself, that it was a deed of exchange and the intent that all of the children should share equally in the estate. There was never any intention on anyone's part that Betty Hall should have an additional interest. It is not equitable for Betty Hall to receive a larger share of the real estate at the expense of Alicia Meade Robinson, Peggy Meade Lambert, Linda Meade Purcell and Blanche Shannon, when it is clear from the instrument and evidence in this cause that Betty Hall would not convey Blanche Shannon a life estate in her interest in the land.

However, it was not necessary that Betty Hall convey a life estate in her interest in the land, as the deed itself reserved a life estate in the 1/8 to Blanche Shannon and she already had a dower interest in the 1/8 share of Betty Meade Hall.

6.

The Defendants, in support of their Motion to Reconsider the Opinion, further set forth that the Commissioner did not take into consideration the physical labor, work and supervision of Blanche Shannon in the development of the trailer park, and making it into an income-producing piece of real estate, that she managed same, received the rents and profits and placed them into the estate. Further, that the Commissioner erroneously disallowed an \$18,000.00 overseer fee for overseeing and developing the trailer park from 1976 through 1982.

WHEREFORE, it is respectfully requested that the Court reconsider its opinion set forth in the letter of June 25, 1984, and

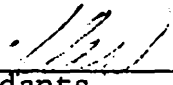
decree that the children of Blanche Meade Shannon, share equally in the estate and property involved herein, after properly deducting the share of Blanche Shannon.

Respectfully Submitted,

BLANCHE MEADE SHANNON
ALICIA MEADE ROBINSON
PEGGY MEADE LAMBERT
LINDA MEADE PURCELL

By Counsel

TILLER & TILLER
Attorneys at Law
P. O. Box 466
Lebanon, Va. 24266

BY 
Counsel for Defendants

CERTIFICATE

I, J. R. Tiller, Attorney at Law, Lebanon, Virginia, do hereby certify that I have this the 2nd day of July, 1984, forwarded a true copy of the foregoing Motion to S. Strother Smith, III, Esquire, 117 W. Main Street, Abingdon, Virginia 24210, Counsel for Plaintiffs, by depositing a true copy of same in the U. S. Post Office, Lebanon, Virginia, prepaid.


COUNSEL

THIS DEED OF GIFT, made and entered into this the 25th day of August, 1981, by and between ALICIA MEADE ROBINSON and JOHN ROBINSON, her husband, PEGGY MEADE LAMBERT and STEVE LAMBERT, her husband, LINDA MEADE PURCELL and DOUGLAS PURCELL, her husband, and BETTY MEADE HALL, being all of the children of Guy B. Meade, intestate, parties of the first part, and BLANCHE MEADE SHANNON, widow of Guy B. Meade, and ROBERT SHANNON, her husband, parties of the second part.

W I T N E S S E T H :

THAT FOR and in consideration of the love and affection which the parties of the first part have for Blanche Meade Shannon, one of the parties of the second part, the parties of the first part have this day given, granted and conveyed unto Blanche Meade Shannon a life estate in and to all the hereinafter described property lying and being in the Castlewood Magisterial District of Russell County, Virginia, and being identically the same pieces or parcels of land conveyed unto Guy B. Meade and Blanche Meade, now Blanche Meade Shannon, party of the second part, by deeds dated the 17th day of August, 1951, and May 9, 1958, which said deeds are of record in the Russell County Circuit Court Clerk's Office in Deed Book 136, at Page 242, and Deed Book 163, at Page 405, respectively.

The parties of the second part hereby give, grant and convey unto Betty Meade Hall, Alicia Meade Robinson, Peggy Meade Lambert and Linda Meade Purcell, all of her interest in and to the aforesaid property, with English Covenants and General Warranty of Title, subject to the hereinafter reserved life estate.

Blanche Meade Shannon one of the parties of the second part hereby reserves a life estate in said property for and during the term of her natural life.

These conveyances are made subject to the exceptions, reservations, covenants and easements, if any, as contained in prior deeds of record.

WITNESS the following signatures and seals, the day, month and year first above written.

_____(SEAL)
ALICIA MEADE ROBINSON

_____(SEAL)
JOHN ROBINSON

_____(SEAL)
PEGGY MEADE LAMBERT

_____(SEAL)
STEVE LAMBERT

_____(SEAL)
LINDA MEADE PURCELL

_____(SEAL)
DOUGLAS PURCELL

_____(SEAL)
BETTY MEADE HALL

_____(SEAL)
BLANCHE MEADE SHANNON

_____(SEAL)
ROBERT SHANNON

STATE OF VIRGINIA
COUNTY OF _____, To-Wit;

I, _____, a Notary Public in and for the county aforesaid, in the State of Virginia, do hereby certify that Alicia Meade Robinson and John Robinson, husband and wife, whose names are signed to the foregoing Deed, bearing date on the

25th day of August, 1981, have acknowledged the same before me
in my County aforesaid.

My Commission expires _____.

Given under my hand this ____ day of _____, 1981.

NOTARY PUBLIC

STATE OF VIRGINIA
COUNTY OF _____, To-Wit;

I, _____, a Notary Public in and for
the county aforesaid, in the State of Virginia, do hereby certify
that Peggy Meade Lambert and Steve Lambert, husband and wife,
whose names are signed to the foregoing Deed, bearing date on the
25th day of August, 1981, have acknowledged the same before me
in my County aforesaid.

My Commission expires _____.

Given under my hand this ____ day of _____, 1981.

NOTARY PUBLIC

STATE OF VIRGINIA
COUNTY OF _____, To-Wit;

I, _____, a Notary Public in and for
the county aforesaid, in the State of Virginia, do hereby certify
that Linda Meade Purcell and Douglas Purcell, husband and wife,
whose names are signed to the foregoing Deed, bearing date on the

25th day of August, 1981, have acknowledged the same before me in my County aforesaid.

My Commission expires _____.

Given under my hand this ____ day of _____, 1981.

NOTARY PUBLIC

STATE OF VIRGINIA

COUNTY OF _____, To-Wit;

I, _____, a Notary Public in and for the county aforesaid, in the State of Virginia, do hereby certify that Betty Meade Hall, whose name is signed to the foregoing Deed, bearing date on the 25th day of August, 1981, have acknowledged the same before me in my County aforesaid.

My Commission expires _____.

Given under my hand this ____ day of _____, 1981.

NOTARY PUBLIC

STATE OF VIRGINIA

COUNTY OF _____, To-Wit;

I, _____, a Notary Public in and for the county aforesaid, in the State of Virginia, do hereby certify that Blanche Meade Shannon and Robert Shannon, husband and wife, whose names are signed to the foregoing deed, bearing date on the 25th day of August, 1981, have acknowledged the same before me in my County aforesaid.

My Commission expires _____.

Given under my hand this ____ day of _____, 1981.

NOTARY PUBLIC

VIRGINIA:

IN THE CIRCUIT COURT OF RUSSELL COUNTY

BETTY MEADE HALL

Plaintiff

vs.

BLANCHE MEADE SHANNON, ET AL.

Defendants.

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10,608

O R D E R

THIS DAY came the plaintiff in person and by counsel and the defendants in person and by counsel, and the defendants argued their exceptions to the report of Special Commissioner.

And after hearing all of the arguments, the Court is of the opinion that the exceptions to the report of the Special Commissioner should be denied, and the recommendations of the report of the Special Commissioner should be confirmed.

WHEREFORE, Betty Meade Hall is adjudged to be entitled to receive property or cash in the amount of THIRTY TWO THOUSAND ONE HUNDRED AND SIXTY EIGHT DOLLARS AND SIXTY NINE CENTS (\$32,168.69) which represents her one-fourth share of the ONE HUNDRED TWENTY EIGHT THOUSAND SIX HUNDRED SEVENTY FOUR DOLLARS AND SEVENTY SIX CENTS (\$128,674.76) estate involved herein. The defendants may pay this amount to Betty Meade Hall directly, whereby all of her interest in the property would be relinquished, or they may sell some portion of the property equivalent in value to the THIRTY TWO THOUSAND ONE HUNDRED AND SIXTY EIGHT DOLLARS AND SIXTY NINE CENTS (\$32,168.69) and give to Betty Meade Hall the proceeds of the sale. In either event, it is further ordered that upon the receipt of THIRTY TWO THOUSAND ONE HUNDRED AND SIXTY EIGHT


DOLLARS AND SIXTY NINE CENTS (\$32,168.69) Betty Meade Hall would be denied any further interest in the Guy B. Meade estate.

It is understood that this order does not apply to any property that Betty Meade Hall owned in common with Guy B. Meade insofar as her interest in such property is concerned.

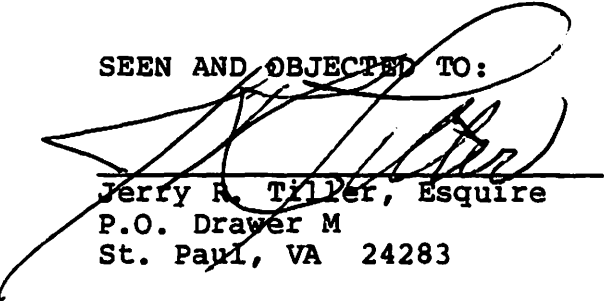
ENTER this 23rd day of January, 1985.


JUDGE

I ASK FOR THIS:


S. Strother Smith, III, Esquire
Attorney for Plaintiff
P.O. Box 1204
Abingdon, VA 24210-1204

SEEN AND OBJECTED TO:


Jerry R. Tiller, Esquire
P.O. Drawer M
St. Paul, VA 24283

VIRGINIA:

IN THE CIRCUIT COURT OF RUSSELL COUNTY

BETTY MEADE HALL

PLAINTIFF

VS:

NOTICE OF APPEAL

BLANCHE MEADE SHANNON, ET ALS

DEFENDANTS

Come now the Defendants, BLANCHE MEADE SHANNON, ET ALS, and give notice that they will appeal this cause to the Supreme Court of Virginia.

STATEMENT REQUIRED BY RULE 5:6

There will be no transcript, statement of facts, testimony or other incidents of this case hereafter filed.

BLANCHE MEADE SHANNON, ET ALS

By Counsel

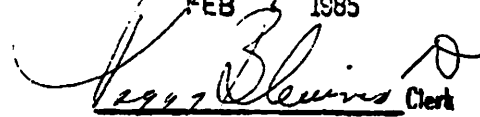
TILLER & TILLER
Attorneys at Law
P. O. Box 466
Lebanon, VA 24266

CIRCUIT COURT RUSSELL COUNTY

FILED

FEB 7 1985


J. R. TILLER
Counsel for Defendants


Clerk

CERTIFICATE OF MAILING

I, J. R. Tiller, Counsel for Defendants, hereby certify that I have served a copy of the above Notice of Appeal to S. Strother Smith, III, Attorney at Law, P. O. Box 1204, Abingdon, VA 24210, by mailing

a true copy to him at the above address on or before the day of filing.

DATED this the 6th day of February, 1985.


COUNSEL

B. ASSIGNMENTS OF ERROR

Assignments of Error as contained in the Order of the Supreme Court of Virginia, dated December 20, 1985, as follows:

1. Is the Order of January 23, 1985, void and of no effect, as not conforming to §8.01-83 of the (1950) Code of Virginia, as amended?
2. Did the Court err in not determining whether or not a partition in kind was possible and whether or not its action by the Final Order entered on the 23rd day of January, 1985, promoted the interest of all parties concerned?
3. Did the Court err in finding that the Plaintiff, Betty Meade Hall, was entitled to a one-fourth (1/4) interest in the estate?