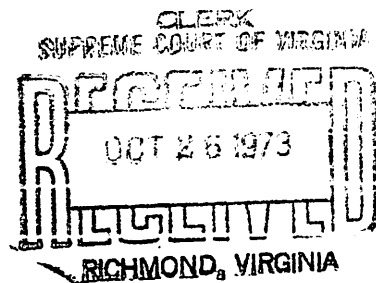


214 VA 636



IN THE
Supreme Court of Virginia
AT RICHMOND

Record No. 730381

SCOTT K. McDOUGLE, JR.,

Appellant

V.

ELIZABETH B. McDOUGLE and
RAYMOND H. McDOUGLE,

Appellees

Special Volume of Exhibits

For Appellant: Norwood and Norwood
C. Willard Norwood
Barry W. Norwood, Esquire
304 West Broad Street, Richmond, Virginia

For Appellees: Robert W. Dervishian, Esquire
Dervishian & Hutzler,
401 Farm Bureau Building
200 West Grace Street
Richmond, Virginia 23220

: EXHIBIT A

I. S. K. McDougle Sr., of the County of Hanover, in the State of Virginia, being of sound and disposing mind, do make this my last will and testament, hereby revoking any and all former wills by me heretofore made.

First: I direct that all my just debts be paid.

Second: I direct that no appraisement of my estate be made or required.

Third: I give, bequeath and devise all of my property, both real and personal to my wife, Hunter H. McDougle, for her life, with the right of disposal of so much thereof as she may deem necessary for her support and maintenance.

Fourth: At her death, I give, devise and bequeath the remainder of my real and personal property to my three children, Raymond H. McDougle, Charles Sterling and S. K. McDougle, Jr.

Fifth: If my wife does not survive me, then I give, devise and bequeath all of my property, both real and personal to my three children above named.

Sixth: I nominate and appoint my wife, Hunter H. McDougle, executrix of this my last will and testament, if she survives me, but if she do not survive me, or if after qualifying dies before completing the settlement of my estate, I nominate my two sons, Raymond H. McDougle and Charles Sterling McDougle, as executors of this my last will and testament.

Seventh: I direct that no security on their bonds be required of my wife, Hunter H. McDougle or of my two sons, above named, at any time that they may qualify as my executors.

In testimony whereof, I, the said S. K. McDougle, Sr., have hereunto set my hand and seal to this my last will and testament, this 6th day of August, 1945.

VIRGINIA:

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF
HANOVER COUNTY

December 30, 1957.

A paper writing purporting to be the last Will and Testament of S. K. McDougle, Sr., late of the County of Hanover, deceased, bearing date August 6, 1945, was this day presented to the Clerk, in his office, and offered for probate and being fully proved by G. M. Weems, one of the subscribing witnesses thereto, as prescribed by law, thereupon the said paper writing bearing date August 6, 1945, is admitted to probate and Ordered to be recorded as the true last Will and Testament of the said S. K. McDougle, Sr., deceased.

On motion of Hunter H. McDougle, the Executrix named in the Will of S. K. McDougle, Sr., deceased, who made oath as the law directs and entered into a bond in the penalty of Five Thousand Dollars (\$5,000.00) but without security, the Testator having directed that none be required of her, which bond being signed, sealed and acknowledged by the obligor therein is Ordered to be recorded.

Certificate is granted the said Hunter H. McDougle as Executor of the Will of S. K. McDougle, Sr., deceased.

It is Ordered that George A. Carneal, Sr., W. I. Kirby, Everett Andrews, Stuart Oiver, and H. H. Hall or any three of them, after being first duly sworn for the purpose, do appraise such of the goods and chattels of the said S. K. McDougle, Sr., deceased, as may be produced to them and make their report to the Commissioner of Accounts of this Court.

CODICIL TO THE
LAST WILL AND TESTAMENT
OF
CHARLES S. McDOUGLE

I, CHARLES S. McDOUGLE, of Hanover County, State of Virginia, being of sound and disposing mind and memory, do hereby make, publish and declare this to be a codicil to my last will and testament dated February 8, 1960.

CLAUSE I: I hereby revoke Clause IV of said will and in its place and stead, I nominate and appoint my wife, Elizabeth B. McDougle, as Executor of this my last will and testament and direct that she shall serve without surety. In the event my said wife shall fail to act for any reason, that I nominate and appoint Grayson Irby McDougle and Susan M. Young as Executors and direct that they shall serve without surety. I authorize and empower my Executors to sell and convey real property.

IN WITNESS WHEREOF, I have hereunto set my hand and seal to this codicil to my last will and testament, consisting of one (1) type-written page, executed in the City of Richmond, State of Virginia, this 26th day of September, 1967, having written my name at the right-bottom of this page for the purpose of identification.

VIRGINIA:

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF HANOVER COUNTY

DECEMBER 23, 1971

A paper writing dated February 8, 1960, purporting to be the last will and testament of Charles S. McDougle, a/k/a C. Sterling McDougle, a/k/a C. S. McDougle, late of the County of Hanover, Deceased, who died September 29, 1971, was this day presented to the Clerk, in his office, and offered for probate, and there also being offered a Codicil, dated September 26, 1967, thereupon came Marion K. Frazier, one of the subscribing witnesses to the will and Codicil, said papers being fully proven by said witness, thereupon, the said paper writings bearing dates of February 8, 1960, and September 26, 1967, are admitted to probate and Ordered to be recorded as the true last will and testament of Charles S. McDougle, a/k/a C. Sterling McDougle, a/k/a C. S. McDougle, Deceased.

: EXHIBIT B
LAST WILL AND TESTAMENT
OF
CHARLES S. McDOUGLE

I, Charles S. McDougle, of Hanover County, State of Virginia, being of sound and disposing mind and memory, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking and making null and void all wills, testaments and codicils by me at any time heretofore made, with the intention of disposing of my entire estate.

CLAUSE I: I direct my Executor to pay all of my debts, expenses of my funeral, administration of my estate and all inheritance and estate taxes, both State and Federal, as soon after my death as may be practicable and convenient, out of the residuum of my estate, such taxes to be treated as if they were expenses of administration.

CLAUSE II: I give, devise and bequeath all of my property, whether real, personal or mixed, of whatsoever nature and wheresoever situated, to my wife, Elizabeth B. McDougle.

CLAUSE III: In the event my said wife shall predecease me, or in the event we shall die in a common disaster or as a result thereof, I give, devise and bequeath all of my property, whether real, personal or mixed, of whatsoever nature and wheresoever situated, to my children, share and share alike.

CLAUSE IV: I nominate and appoint my wife, Elizabeth B. McDougle, as Executor of this my last will and testament and direct that she shall serve without surety. In the event my said wife shall fail to act for any reason, that I nominate and appoint my brother S. K. McDougle, Jr., as Executor and direct that he shall serve without surety. I authorize

and empower my Executor to sell and convey real property.

IN WITNESS WHEREOF, I have hereunto set my hand and seal to this my last will and testament, consisting of two (2) typewritten pages, including this one, executed in the City of Richmond, State of Virginia, this 8th day of February, 1960, having written my name at the right-bottom of each of the said two (2) sheets for the purpose of identification.

: EXHIBIT C

BOOK 326 PAGE 572

THIS DEED, made this 24th day of January, 1972, by and between HUNTER H. McDOUGLE, widow, party of the first part; and SCOTT K. McDOUGLE, JR., party of the second part:

- : W I T N E S S E T H : -

That for and in consideration of the support, care and maintenance which my son, SCOTT K. McDOUGLE, JR., has provided for me during the past fourteen years following the death of my husband, and further in consideration of the agreement of my son, SCOTT K. McDOUGLE, JR., to continue to provide for my support, care, maintenance and upkeep during the rest of my life, I HUNTER H. McDOUGLE, the party of the first party, hereby grant and convey with GENERAL WARRANTY of Title, unto my son, SCOTT K. McDOUGLE, JR., the party of the second part, the following described real estate, to-wit:

ALL that certain piece or tract of land containing 40.03 acres of land, lying and being in Henry District, Hanover County, Virginia, and shown on a plat of survey made by Ruffin P. Butler, Certified Land Surveyor, dated January 22, 1972, entitled "Map Showing Two Parcels of Land Situated On the West Side of Route No. 301 and South from Route 643 in Henry District in Hanover County, Virginia" less and except the tract of land shown on said plat as "2.32 Acres Standing in the Name of S. K. McDougle", a copy of which plat is attached hereto, made a part hereof and to be recorded herewith.

BEING a part of the same property conveyed to Scott McDougle by deed from Hezekiah McDougle dated December 27, 1911, and recorded February 27, 1912, Clerk's Office, Circuit Court, Hanover County, Virginia, in Deed Book 55, Page 535. The Will of S. K. McDougle, Sr., admitted to probate, Hanover Circuit Court on December 30, 1957, devised all of his property to his wife, Hunter H. McDougle, for her life with the right of disposal of so much thereof as she might deem necessary for her support and maintenance, this conveyance being deemed necessary for her support and maintenance.

BOOK 326 PAGE 573

This conveyance is made subject, however, to the restrictions and conditions, if any, applicable to and legally binding upon the property hereby conveyed; and to all easements and covenants of record affecting said property.

The party of the first part covenants that she has the right to convey the said real estate to the party of the second part; that she has done no act to encumber the same; that the party of the second part shall have quiet possession of the said real estate free from all encumbrances; and that the party of the first part shall execute such further assurances of the said realty as may be requisite.

WITNESS the following signature and seal:

: EXHIBIT D

THIS DEED, made this 24th day of January, 1972, by and between HUNTER H. McDOUGLE, widow, party of the first part; and RAYMOND H. McDOUGLE, party of the second part:

- : W I T N E S S E T H : -

That for and in consideration of the agreement of my son, RAYMOND H. McDOUGLE, to share in the cost of the support, care and maintenance of myself during the rest of my life, I, HUNTER H. McDOUGLE, the party of the first part, do hereby grant and convey with GENERAL WARRANTY of Title, unto my son, RAYMOND H. McDOUGLE, the party of the second part, the following described real estate, to-wit:

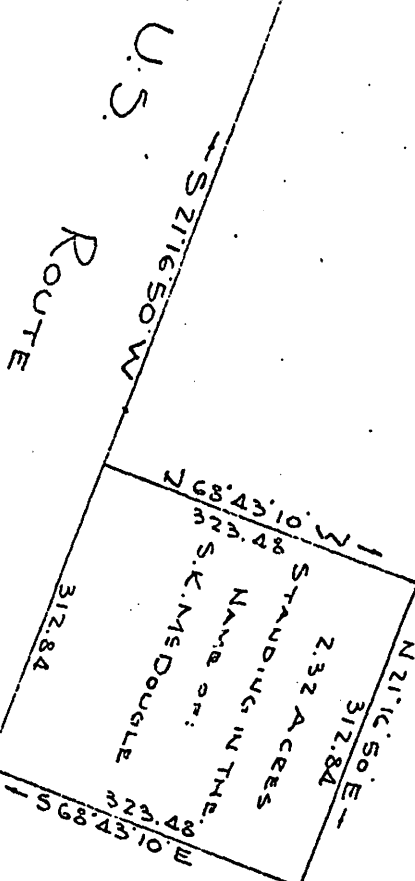
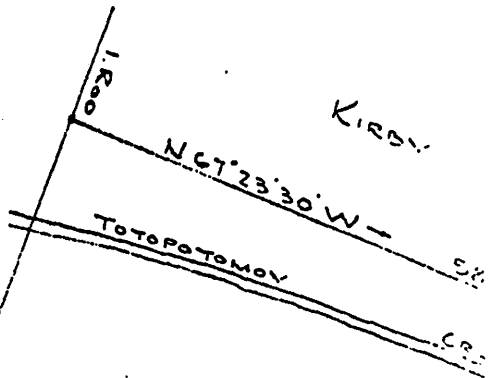
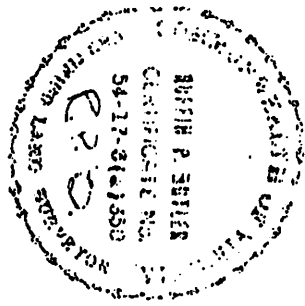
ALL that certain piece or tract of land containing 19.04 acres of land, lying and being in Henry District, Hanover County, Virginia, and shown on a plat of survey made by Ruffin P. Butler, Certified Land Surveyor, dated January 22, 1972, entitled "Map Showing Two Parcels of Land Situated on the West Side of Route No. 301 and South from Route 643 in Henry District in Hanover County, Virginia" less and except the tract of land shown on said plat as "1.87 Acres Standing in the Name of C. S. McDougle", a copy of which plat is attached hereto, made a part hereof and to be recorded herewith. BEING a part of the same property conveyed to Scott McDougle by deed from Hezekiah McDougle dated December 27, 1911, and recorded February 27, 1912, Clerk's Office, Circuit Court, Hanover County, Virginia, in Deed Book 55, Page 535. The Will of S. K. McDougle, Sr., admitted to probate, all of his property to his wife, Hunter H. McDougle, for her life with

the right of disposal of so much thereof as she might deem necessary for her support and maintenance, this conveyance being deemed necessary for her support and maintenance.

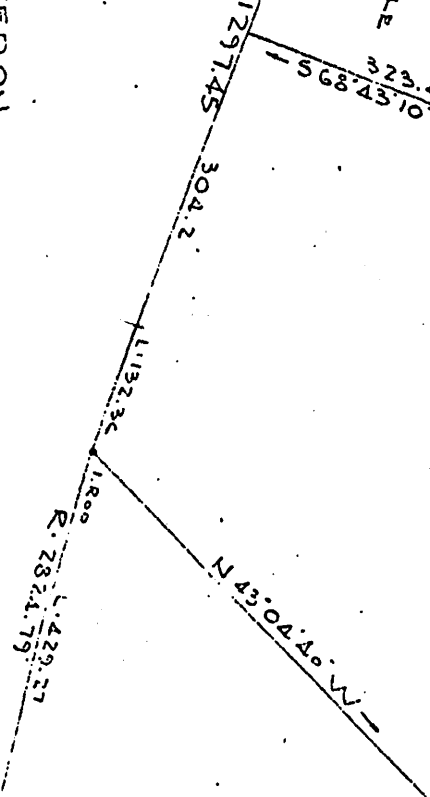
This conveyance is made subject, however, to the restrictions and conditions, if any, applicable to and legally binding upon the property hereby conveyed; and to all easements and covenants of record affecting said property.

The party of the first part covenants that she has the right to convey the said real estate to the party of the second part; that she has done no act to encumber the same; that the party of the second part shall have quiet possession of the said real estate free from all encumbrances; and that the party of the first part will execute such further assurances of the said realty as may be requisite.

WITNESS the following signature and seal:



N 21° 16' 50" E — 312.84 —
 2.32 ACRES
 STANDING IN THE
 NAME OF:
 S.K. McDOUGLE
 323.48
 N 68° 43' 10" W — 312.84 —
 301



40.03 AC.

MAP SHOWING TWO PARCELS OF LAND SITUATED ON
 THE WEST SIDE OF ROUTE No 301 AND SOUTHERN
 ROUTE 643 WITHIN DISTRICT 111 LAND OVER
 COUNTY, Virginia.

June 22, 1912

Section 1500

226.574

No. 643

ROUTE

L.L. TUCK

1. Roo

402.00
1066.82

517.95
581.35
40.00

Area 14667

Stand N 9° 53' 20" E - 435.65

1.87 Acres

19.04

STANDINGS IN THE ...

E. C. MEDDICK

1000 70 256.00

19.04 A.C.

N 5° 19' 40" E

1056.17

N 5° 35' 30" E

1015.52

621.84
N 5° 53' 20" W

S D

15

