

**10. PUBLIC HEARING  
ORDINANCE GRANTING RELIEF TO  
TERESA T. POWELL**

This public hearing is held pursuant to Section 58.1-3967 of the Code of Virginia, 1950, as amended, to consider an ordinance granting relief to Teresa T. Powell by paying to her the surplus funds received by the County of Southampton from the Circuit Court of Southampton County from the delinquent real estate tax sale of 27647 R & B Drive, Boykins, Virginia (Tax Parcel 84-22B).

The notice of public hearing was published in the Tidewater News on July 22, 2015 as required by law. After conclusion of the public hearing, the Board of Supervisors will consider the comments offered this evening and will proceed to adopt, amend or defer action on the proposed ordinance.

**MOTION REQUIRED:**

**If the Board is so inclined, a motion is required to adopt the attached ordinance.**

**AN ORDINANCE TO GRANT RELIEF TO TERESA T. POWELL  
BY PAYING TO HER THE SURPLUS FUNDS RECEIVED BY  
THE COUNTY OF SOUTHAMPTON  
FROM THE CIRCUIT COURT OF SOUTHAMPTON COUNTY  
FROM THE DELINQUENT REAL ESTATE TAX SALE OF 27647 R & B DRIVE,  
BOYKINS, VIRGINIA (TAX PARCEL 84-22B)**

WHEREAS: Teresa T. Powell is the former owner of property located at 27647 R & B Drive, Boykins, Virginia (Southampton County Tax Parcel 84-22B); and

WHEREAS: Pursuant to a suit brought in the Circuit Court of Southampton County, Powell's property was sold to satisfy delinquent county real estate taxes; and

WHEREAS: By order of the Court entered December 3, 2012, the sale of Powell's property was confirmed, all delinquent real estate taxes and all costs associated with the tax sale were paid to the County, and surplus proceeds of sale in the amount of \$24,723.74 were paid over to the Clerk of the Court pursuant to Virginia Code § 58.1 -3967; and

WHEREAS: Powell did not make claim for the surplus proceeds within the two year period prescribed by statute, and consequently the surplus proceeds were paid by the Clerk of Court to the County; and

WHEREAS: Virginia Code § 58.1-3967 provides for relief, by ordinance, to a former owner whose surplus tax sale proceeds have been paid to a municipality, and Powell has requested such relief; and

WHEREAS: A duly advertised public hearing concerning this matter was held on July 27, 2015, to receive public comment regarding a proposed ordinance for payment of the surplus tax sale proceeds, less associated advertising costs, to Powell.

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors of the County of Southampton, deeming it appropriate to do so, grants relief to Teresa T. Powell by authorizing

and directing that the sum of \$24,471.98, representing surplus proceeds in the amount of \$24,723.74 less advertising costs of \$251.76, be paid over to her pursuant to Virginia Code §58.1-3967.

ADOPTED by the Board of Supervisors of the County of Southampton, Virginia, this 27th day of July, 2015.

BOARD OF SUPERVISORS

---

Dallas O. Jones, Chairman

ATTEST:

---

Michael W. Johnson, Clerk

## § 58.1-3967. How proceedings instituted; parties; procedure generally; title acquired; disposition of surplus proceeds of sale

Proceedings under this article for the appointment of a special commissioner under § 58.1-3970.1 or the sale of real estate on which county, city, or town taxes are delinquent shall be by bill in equity, filed in the circuit court of the county or city in which such real estate is located, to subject the real estate to the lien for such delinquent taxes.

Any party with an interest in such real estate, including a lienor or person with a claim of title, but not including a person whose interest in the real estate is secured by a deed of trust properly recorded, shall file his claim within 90 days after notice of such proceedings. Failure to timely file shall bar any such claims.

Any party who is not otherwise served shall be served by publication pursuant to § 8.01-316. Any person served by publication may petition to have the case reheard, but, notwithstanding § 8.01-322, only for good cause shown, and only within 90 days of entry of the confirmation of sale.

All necessary parties shall be made parties defendant. A guardian ad litem shall be appointed for persons under a disability as defined in § 8.01-2, and for all persons proceeded against by an order of publication as parties unknown. The beneficiary or beneficiaries under any deed of trust, security interest or mortgage shall not be deemed necessary parties, provided any trustee under the deed of trust, any mortgagee under the mortgage, and any lien creditor are given notice as prescribed in § 58.1-3965, except that either the beneficiary or beneficiaries, or the trustee or trustees, under any deed of trust, security interest or mortgage securing a financial institution, or any lien creditor that is a financial institution, shall be necessary parties defendant. After filing of suit and a lis pendens, any party who thereafter acquires an interest in the delinquent real estate, including a lienor or party with a claim of title, shall not be deemed a necessary party, but shall be permitted to intervene in the proceedings to file his claim. Failure to file such a claim shall bar any such claim. The title conveyed to the purchaser at the judicial sale shall be held to bar any disabilities of parties defendant, and shall be free of all claims of any creditor, person, or entity, including those claims of beneficiaries under any deed of trust or mortgage, provided that notice was given or the creditor, person, or entity was made a party defendant.

Such proceedings shall be held in accordance with the requirements, statutory or arising at common law, relative to effecting the sale of real estate by a creditor's bill in equity to subject real estate to the lien of a judgment creditor, provided that publication, if necessary, shall be as provided by § 8.01-321.

In proceedings under this article, the character of the title acquired by the purchaser of such real estate at such sale shall be governed by the principles and rules applicable to the titles of purchases at judicial sales of real estate generally; however nothing herein shall be construed to affect any easements recorded prior to the date of sale.

The former owner, his heirs or assigns of any real estate sold under this article shall be entitled to the surplus received from such sale in excess of the taxes, penalties, interest, reasonable attorneys' fees, costs and any liens chargeable thereon. If no claim for payment of the

indebtedness secured by any lien chargeable thereon is made by an unknown beneficiary of such lien, or if no claim for such surplus is made by such former owner, his heirs or assigns, within two years after the date of confirmation of such sale, then such amount secured by the lien of the unknown beneficiary, surplus, or both, as applicable, shall be paid by the clerk of the court in which such suit was instituted to the county, city, or town that received proceeds from the sale of the real estate. If a county and a town receive proceeds from the same sale, then such surplus shall be divided between the county and town pro rata based on the relative amount of proceeds received by each. Upon request of the former owner, his heirs or assigns, or unknown beneficiary of any real estate sold under this article, and after a showing of a prior entitlement thereto, the governing body of any county or city which has received such surplus funds may, in its discretion, grant relief, by ordinance, to such former owner, heir, or assign, or unknown beneficiary and pay over such amount as the governing body may deem appropriate to such former owner, heir, assign, or unknown beneficiary.

Code 1950, § 58-1117.3; 1973, c. 467; 1984, c. 675; 1990, cc. 831, 918; 1992, c. 854; 1993, cc. 51, 372; 1994, cc. 295, 884; 1996, c. 710; 1997, c. 327; 1999, cc. 403, 869; 2000, c. 756; 2001, c. 37; 2004, c. 645; 2006, c. 616; 2009, c. 682.

**SOUTHAMPTON COUNTY  
Board of  
Supervisors  
Notice of Public Hearing**

Notice is hereby given that the Southampton County Board of Supervisors will hold a public hearing on **Monday, July 27, 2015 at 7:00 p.m.**, or as soon thereafter as may be heard, in the Board Room of the Southampton County Office Center at 26022 Administration Center Drive in Courtland, Virginia to consider an ordinance granting relief to Teresa T. Powell, pursuant to Section 58.1-3967 of the Code of Virginia, 1950, as amended, by paying to her the surplus funds received by the County of Southampton from the Circuit Court of Southampton County from the delinquent real estate tax sale of 27647 R & B Drive, Boykins, Virginia (Tax Parcel 84-22B).

Copies of items associated with this matter are on file and available for public inspection in the County Administrator's office, 26022 Administration Center Drive, Courtland, Virginia during normal office hours of 8:30 a.m. to 5:00 p.m., Monday through Friday.

Any person desiring to be heard on this matter should appear at the time and place referenced herein above and offer his or her comments to the Board of Supervisors.

The hearing is held at a public facility designed to be accessible to persons with disabilities. Any persons with questions on the accessibility of the facility or need for reasonable accommodations should contact Michael W. Johnson, Clerk, at (757) 653-3015. Persons needing interpreter services for the deaf must notify Mr. Johnson at least seven (7) days in advance of the hearing.

Southampton County Board of Supervisors  
Michael W. Johnson, Clerk

# Advertising Receipt

**The Tidewater News**

PO Box 497  
Franklin, VA 23851

Phone: (757) 562-3187

Fax: (757) 562-6795

Southampton County Board Of S  
Mike Johnson  
PO Box 400  
Courtland , VA 23837

**Acct #:** 00001407

**Ad #:** 00031171

**Phone:** (757) 653-3015

**Date:** 07/20/2015

**Ad taker:** Rett     **Salesperson:** Rett

**Sort Line:** SOUTHAMPTON COUNTY Board of S

**Classification:** 525

| Description           | Start      | Stop       | Ins. | Cost/Day | Total  |
|-----------------------|------------|------------|------|----------|--------|
| 01 The Tidewater News | 07/22/2015 | 07/22/2015 | 1    | 249.76   | 249.76 |
| web Web Liner         |            |            |      |          | 1.00   |
| BOLD BOLD WORDS       |            |            |      |          | 0.50   |
| CENT CENTERED         |            |            |      |          | 0.50   |

**Total:** 251.76

**Tax:** 0.00

**Net:** 251.76

**Prepaid:** 0.00

**Total Due** 251.76

**CARTER & DWYER, P.C.**

ATTORNEYS AT LAW  
18176 RAILROAD AVENUE  
P. O. Box 189  
BOYKINS, VIRGINIA 23827

E. BEALE CARTER, JR.

DAMIAN P. DWYER

TELEPHONE 757-654-6112

FACSIMILE 757-654-6068

May 27, 2015

Michael W. Johnson  
Southampton County Administrator  
26022 Administration Center Drive  
Courtland, Virginia 23837

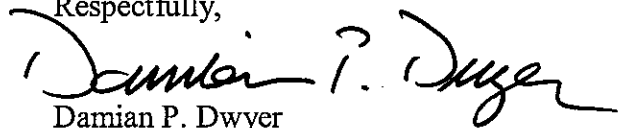
Re: Teresa T. Powell – Refund of Tax Sale Surplus Proceeds

Dear Mr. Johnson:

With regard to the public hearing on the above referenced matter, we would ask that it be placed on the Board's agenda for July 27, 2015, rather than on June 22, 2015, when I will be unavailable.

If the County is unable to accommodate Ms. Powell in this respect please let me know at your earliest convenience so that alternative arrangements may be pursued. As always, many thanks for your consideration.

Respectfully,



Damian P. Dwyer

DPD/mos

Cc: T. T. Powell



Consideration: \$75,000.00  
Assessed: \$303,800.00

THIS SPECIAL COMMISSIONER'S DEED, made December 27<sup>th</sup> 2012 by and between **JAMES J. REID** Special Commissioner (hereinafter "Grantor"); **TERESA T. POWELL**, (Grantor for indexing purposes only); and **VIRGINIA SMITH**, (hereinafter "Grantee"), whose address is 12260 Pinopolis Road, Boykins, Virginia 23827.

## WITNESSETH:

WHEREAS, by decree (the "Decree") entered October 2, 2012, in the case of *County of Southampton, Virginia v. Teresa T. Powell, et al.*, Civil Action No. 12-185, the Southampton County Circuit Court appointed James J. Reid, as Special Commissioner, authorizing him to act, for the purpose of selling the herein-described property (the "Property"); and

WHEREAS, James J. Reid, the Special Commissioner on November 16, 2012, held a public auction at the County Board Room, 26022 Administrative Center Drive, Courtland, VA, after first advertising the sale in accordance with the Decree and sold the Property, subject to the Court's approval, to the highest bidder, who made a deposit; and

WHEREAS, by order entered December 3<sup>rd</sup> 2012, the Court approved the bid, confirmed the sale and ordered James J. Reid, the Special Commissioner to convey the Property, upon the receipt of the purchase price, by good and sufficient deed with Special Warranty of Title; and

WHEREAS, the purchase price has been paid to James J. Reid, the Special Commissioner; and

WHEREAS, the persons on whose behalf this conveyance is made is Teresa T. Powell;

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of which the Grantor hereby

Tax Map No: 84-22B  
Prepared by: James J. Reid, Esq.  
739 Thimble Shoals Blvd., Suite 105  
Newport News, VA 23606

Statement pursuant to Va. Code § 17.1-223(B):  
The preparer of this instrument does not know  
whether title insurance has been issued.

acknowledges, the Grantor as Special Commissioner does hereby give, grant and convey with

SPECIAL WARRANTY unto the Grantee, in fee simple, the following Property, to-wit:

All that certain tract or parcel of land lying, being and situate in Drewryville Magisterial District, Southampton County, Virginia, on the northwest side of and adjacent to Virginia State Highway 653, containing 3.436 acres, less 0.052 acre in the road right of way, for a net of 3.384 acres, as shown on "Plat Showing Property For William C. Powell and Teresa T. Powell," dated April 22, 1988, said plat being attached and described in accordance with said plat as follows: Beginning at a point at the northeast corner of the James T. Turner, Jr., and Marie B. Turner tract in the center line of said Highway 653 at a point 2755.12 feet northeast of Virginia State Highway 659; thence S 57° 46' W 150.02 feet along the center line of said Highway 653 to a point, a new corner; thence N 28° 58' 20" W 15.0 feet to a concrete monument; thence continuing N 28° 58' 20" W 1025.73 feet to a concrete monument at the line of the Teresa T. Conwell Powell land, a new corner; thence N. 87° 36' 37" E 162.29 feet along said Powell line to an iron axle; thence S 29° 14' 56" E 940.59 feet along said Powell line to an iron axle; thence continuing S 29° 14' 56" E 19.0 feet along said Powell line to the point of beginning.

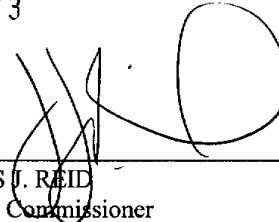
This being in all respects a part of that tract or parcel of land of which James T. Turner died, intestate, seized and possessed of, leaving as his sole heirs at law, his widow, Gertrude P. Turner and his two children, James T. Turner, Jr., and Norman Turner Raiford, the said Gertrude P. Turner, widow, and Norman Turner Raiford and Joseph C. Raiford, her husband, having conveyed all their right title an interest in same, to James T. Turner, Jr. and Marie B. Turner, by deed dated February 25, 1959, recorded in the Clerk's Office of the Circuit Court of Southampton County, Virginia, in Deed Book 135, page 58.

This conveyance is made expressly subject to the restrictions, conditions, rights-of-way, and easements, if any, contained in the instruments constituting the chain of title to the property conveyed herein, and to matters visible upon inspection and all other matters set forth in the Memorandum of Sale relating to this Property.

TO HAVE AND TO HOLD the Property unto the Grantee, in fee simple.

Whenever used herein, the singular shall include the plural, the plural the singular, and the use of any gender shall include all genders.

WITNESS the following signature and seal:

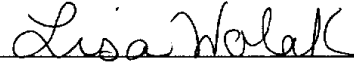


JAMES J. REID  
Special Commissioner

COMMONWEALTH OF VIRGINIA  
City of Newport News, to-wit:

I, Lisa Wolak, a notary public in and for the Commonwealth of Virginia, certify that James J. Reid, Special Commissioner, appeared before me and acknowledged the foregoing instrument.

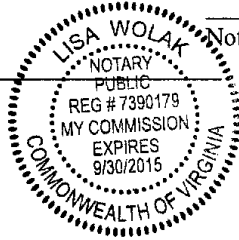
Given under my hand on December 27<sup>th</sup>, 2012.



Notary Public

My commission expires: \_\_\_\_\_

193816



INSTRUMENT #130000028  
RECORDED IN THE CLERK'S OFFICE OF  
SOUTHAMPTON ON  
JANUARY 4, 2013 AT 09:49AM  
\$304.00 GRANTOR TAX WAS PAID AS  
REQUIRED BY SEC 58.1-802 OF THE VA. CODE  
STATE: \$152.00 LOCAL: \$152.00

RICK FRANCIS, CLERK  
RECORDED BY: HRS