

BROCKENBROUGH LAMB, Judge

ALBERT T. AUGUST, Clerk

VIRGINIA:

In the Chancery Court of the City of Richmond

The 6th day of June 1941

William Gordon McCabe, Jr., in his own right, Frances Claiborne McCabe, William Gordon McCabe, III, and Edmund Osborne McCabe, II, . . . . .Pltffs.

vs

William Gordon McCabe, Jr., and Edward Raynesford Warner McCabe, Trustees under the last will of William Gordon McCabe, for William Gordon McCabe, Jr., Frances Claiborne McCabe, William Gordon McCabe, III, and Edmund Osborne McCabe, II, . . . . . Defts.

This day came William Gordon McCabe, Jr., in his own right, Frances Claiborne McCabe, William Gordon McCabe, III, and Edmund Osborne McCabe, II, and filed their bill in open Court praying that the trust established on their behalf by the will of William Gordon McCabe be dissolved and the trust fund paid over to William Gordon McCabe, III, and Edmund Osborne McCabe, II, subject to a life estate in their parents, William Gordon McCabe, Jr., and Frances Claiborne McCabe and the survivor, similar to that set up by the will of William Gordon McCabe, and came also William Gordon McCabe, Jr., and Edward Raynesford Warner McCabe, surviving Executors and Trustees under that will and, by leave of Court, filed their separate answers to that bill in which they admit all allegations of fact therein set forth and concur in the prayer contained therein. Thereupon this cause came on to be heard, and was argued by counsel.

Upon consideration whereof, it appearing to the Court that the complainants are the sole beneficiaries of a trust set up by clause 11(2) of the last will of William Gordon McCabe, admitted to probate in this Court on the 4th day of June, 1920; that all of said parties are more than twenty one years of age; that defendants are the surviving executors of and trustees under that will as it relates to this trust fund; that the defendants as trustees have set apart two fifths of the residue of the estate of William Gordon McCabe as a trust fund for complainants, in accordance with the provisions of that will, and now hold this fund for their benefit, it is ordered that the trust under the will of William Gordon McCabe above described be dissolved and that William Gordon McCabe, Jr., and Edward Raynesford Warner McCabe, Trustees under the last will of William Gordon McCabe, for William Gordon McCabe, Jr., Frances Claiborne McCabe, William Gordon McCabe, III, and Edmund Osborne McCabe, II, do assign, transfer and deliver to William Gordon McCabe, III, and Edmund Osborne McCabe, II, all property held by them in trust for complainants under the last will of William Gordon McCabe - subject to a life estate in William Gordon McCabe, Jr., and Frances Claiborne McCabe, and the survivor, similar to that set up by the will of William Gordon McCabe.

And it is further ordered that William Gordon McCabe, III, and Edmund Osborne McCabe, II, do execute and deliver to William Gordon McCabe, Jr., and Edward Raynesford Warner McCabe, Trustees under the last will of William Gordon McCabe, for William Gordon McCabe, Jr., Frances Claiborne McCabe, William Gordon McCabe, III, and Edmund Osborne McCabe, II, a proper discharge and acquittance, upon receiving the above-described property from them, releasing and discharging said Executors and Trustees from further liability in regard thereto, whereupon, and upon the filing of a final account by said Executors and Trustees, which they are hereby directed to do forthwith, they will be released from all obligations under their bond relating to said property.

(Over)