

THE EXTENT OF REAL PROPERTY OF

THE ESTATE OF JOHN AUGUSTUS ALEXANDER VIRGIL

SPRING BENNY LANE, SANDYS PARISH,

BERMUDA

Prepared for:

Mr. Gladwyn Ming  
Mr. Glenn Ming  
Mrs. Sylvia Davis  
Mrs. Jewel Trott  
Mrs. Marion Johnson  
Mrs. Barbara Brown  
Mrs. Marie Diane Spence

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B.C.E.C Ref: SV 10331

**Purpose**

The purpose of this report is to set out our findings regarding the extent of the real property holding that forms part of the Estate of John Augustus Alexander Virgil, located on Spring Benny Lane, Sandys Parish, Bermuda.

**Introduction**

This report sets out the findings of how land came to be a part of the Estate of John Augustus Alexander Virgil and the subsequent ownership and subdivision of that parcel of land.

As ownership of land occurs in a chronological manner, this report has been organized in the same way. Relevant documents, or correspondence have been annexed to this report, and marked by letter. All plans have been identified by number. Where documentation is not available, or research has proven inconclusive, this has been noted.

**Contingent and Limiting Conditions**

The original title deeds and title deeds of the parcels of land derived therefrom have not been available. Thorough searches have been made of the applicable registries in Bermuda and the old Parish Vestry records, Supreme Court records and the Ministry of Works and Engineering records. Information obtained from these sources has been relied upon. The determining of the authenticity of any recorded document is beyond the scope of this report.

**Chronology of Land Ownership**

1) On 18th June, 1885, Samuel David Robinson conveyed a parcel of land in Sandys Parish to Augustus Virgil. The property is not described in terms of dimensions and boundaries, but rather by a description of approximately seven acres, with the names of the adjoining property owners recited. A copy of this conveyance is annexed and marked "A". The lands of Augustus Virgil, as described in the conveyance are illustrated on the plan annexed and marked Plan 1. It is noted that in this conveyance, there are no specific rights of ways recited. Rights of access relied on a general reference to all rights appertaining to the parcel of land.

2) On 28th August, 1924, Augustus Virgil and his wife, Elizabeth Virgil, mortgaged the seven acre property to Carrie Lloyd Grisct. This mortgage was satisfied on 19th March, 1945, as recorded in the Book of Mortgages, Book No. 21 p. 60, of the Registry General.

3) On 25th April, 1926, Augustus Virgili died and under his Will dated 29th August, 1924, devised his real property to his wife Elizabeth Virgili for her life, and at her death devised this real property to his eight children as tenants-in-common, in equal shares. The children are listed below.

- 1) Lansdown Murray Virgili
- 2) Dora Elizabeth Simons
- 3) Diana Mary Virgili
- 4) Thalia Anne Virgili
- 5) Mable Maud Virgili
- 6) Harriet Agatha Simmons
- 7) Ida Melissa Henry
- 8) Elizabeth Maria Carter

Plan 2 illustrates the ownership of the property immediately following the death of Augustus Virgili on 25th April, 1926. A copy of the Will of Augustus Virgili is annexed and marked "B".

4) On 13th March, 1929, Diana Mary Virgili died unmarried and intestate. Her 1/8th share passed to her eldest surviving brother, Lansdown Murray Virgili. This is recited in a deed of partition dated 9th December, 1961, and a certified copy of this deed is annexed marked "C". Plan 3 illustrates the ownership of the property following the death of Diana Mary Virgili.

5) On 18th June, 1936, Lansdown Murray Virgili died intestate. His eldest son, John Augustus Alexander Virgili, was his heir at law, and inherited the 2/8th shares in the Estate of Augustus Virgili. This is also recited in the deed marked "C"

6) On 19th March, 1945, the mortgage of 28th August, 1924 was satisfied. The date that Elizabeth Virgili died is not known. However, reference is made in this reconveyance of her having died before 19th March, 1945.

7) On 20th March, 1945, the heir of Lansdown Murray Virgili, John Augustus Alexander Virgili, and the six surviving children of Augustus Virgili, being John Augustus Alexander Virgili, Dora Elizabeth Simons, Thalia Anne Virgili, Mable Maud Virgili, Harriet Agatha Simmons, Ida Melissa Henry, and Elizabeth Maria Carter conveyed a portion of the seven acres to Alfred Stanley Virgili. Reference to this Indenture is made in the Book of Mortgages, Book No. 42 p. 181, of the Registry General. The extent of the land described in the conveyance of 20th March, 1945 is shown on the annexed Plan 4.

8) In or around the year 1945, Harriet Agatha Simmons died a widow and intestate, leaving Rupert Lansdowne Simmons, her eldest son, heir at law. This is recited in the deed marked "C".

9) In and around the year 1950, Dora Elizabeth Simons died a widow, and intestate, leaving her eldest son, Arnold Lansdown Simons heir at law. This is recited in the deed marked "C".

10) On 14th February, 1950, Mable Maud Virgil, and her sister Thalia Anne Harvey, partitioned the remainder of the seven acres with John Augustus Alexander Virgil, by exchange of their respective undivided eighth parts thereof in the eastern portion of the said property, for his undivided 2/8th parts in the said western portion thereof. This deed of partition is recited in the Will of Mabel Maud Virgil. A copy of this Will is annexed and marked "D". The annexed Plan 5 illustrates the ownership of the property following the deed of partition dated 14th February, 1950.

11) On 9th December, 1961 Ida Melissa Henry, Elizabeth Maria Carter, Rupert Lansdowne Simmons, Arnold Lansdown Simons, Grace Lillian Simons (the wife of Arnold Lansdown Simons) and John Augustus Alexander Virgil agreed to partition the lands remaining from the seven acres of Augustus Virgil.

It was recited in the partition deed that Ida Melissa Henry, Elizabeth Maria Carter, Rupert Lansdowne Simmons, Arnold Lansdown Simons, granted and released to John Augustus Alexander Virgil "Lot 4", comprising approximately two acres. A copy of this deed is annexed and marked "C". The annexed Plan 6 illustrates the ownership of the property following the deeds of partition dated 9th December, 1961.

12) On 24th January, 1962, John Augustus Alexander Virgil conveyed to Eric Arthur Jones and his wife, the southern portion of the lot of land of the property obtained by John Augustus Alexander Virgil on 9th December, 1961. This conveyance is noted in a Memorandum attached to the deed marked "C". The annexed Plan 7 illustrates the ownership of the property following the conveyance dated 24th January, 1962.

13) On 17th January, 1972, John Augustus Alexander Virgil died and under his Will dated 21st May, 1964, devised his real and personal estate to the following seven nephews and nieces:

- 1) Gladwyn Ming
- 2) Glenn Ming
- 3) Sylvia Davis
- 4) Eunice Ming
- 5) Marion Johnson
- 6) Barbara Brown
- 7) Marie Diane Spence

A probated copy of this will is attached and marked "E". Assuming that the land retained by John Augustus Alexander Virgil on 24th January, 1962, was still in his

ownership at the time of his death, the annexed Plan 8 illustrates the ownership of the property.

The Bank of N. T. Butterfield and Son Limited was the sole executor of The Estate of John Augustus Alexander Virgil. In the Affidavit of Value sworn by this Executor a total value of \$17,488.88 was declared. No real estate asset was disclosed in this affidavit.

**Applications for the Subdivision of the Property**

- 1) On 6th March, 1968, an application to subdivide the property into eight lots and to create a roadway to serve the lots, was submitted to the Central Planning Authority. The plan was submitted by Russell L. Pearman, General Agent. The plan is annexed and stamped "F".
- 2) On 1st February, 1969, a letter from Russell L. Pearman, declaring himself as General Agent, is submitted to the Central Planning Authority, advising that he was making application for the subdivision. This confirming letter was dated almost a full year after the application was submitted. The letter from Russell L. Pearman does not state that he owned the subject property, nor does he indicate if he is submitting the application on behalf of the landowner(s) or as the landowner. This letter is annexed hereto and marked "G".
- 3) On 3rd February, 1969, a subsequent plan of subdivision was submitted for the subject property. This plan had essentially the same lot size and configuration, with minor modifications to the turning area at the end of the proposed road, as the 6th March, 1968 plan. The 3rd February, 1969 plan of subdivision is annexed hereto and marked "H".
- 4) On 14th February, 1969, the second plan of subdivision was approved (Appendix "H").
- 5) On 7th March, 1969, the first plan of subdivision was approved by the Central Planning Authority (Appendix "F"). This plan of subdivision, in the context of the overall area, is illustrated on the plan annexed hereto and marked Plan 9.

**1970 Voluntary Conveyances**

There are ten Voluntary Conveyances, relating to the overall parcel of land comprising Lot 4 shown on Plan 7, recorded in 1970 in the Book of Voluntary Conveyances in the Registrar General's office.

John Augustus Alexander Virgil died on 17th January, 1972. There is no record in the Registrar General's office of a conveyance, voluntary or otherwise, of Lot 4, or any part thereof, between 24th January, 1962, and 17th January, 1972.

These ten recorded conveyances are listed below:

Lot 6

4th November, 1970: John William David Swan to Leslie Earl Ming, attorney  
A. A. Francis

5th November, 1970: Leslie Earl Ming to John William David Swan, attorney  
A. A. Francis (Book 17 page 108)

Lot 7

4th November, 1970: John William David Swan to Leslie Earl Ming, attorney.  
A. A. Francis (Book 17 page 106)

5th November, 1970: Leslie Earl Ming to John William David Swan, attorney  
A. A. Francis (Book 17 page 110)

Lot 8

4th November, 1970: John William David Swan to Leslie Earl Ming, attorney  
A. A. Francis (Book 17 page 107)

5th November, 1970: Leslie Earl Ming to John William David Swan, attorney  
A. A. Francis (Book 17 page 109)

Lot 4

28th December, 1970: John William David Swan to Leslie Earl Ming, attorney,  
Sir Edward Richards (Book 17 page 188)

30th December, 1970: Leslie Earl Ming to John William David Swan, attorney Sir  
Edward Richards (Book 17 page 190)

Lot 5

28th December, 1970: John William David Swan to Leslie Earl Ming, attorney Sir  
Edward Richards (Book 17 page 189)

30th December, 1970: Leslie Earl Ming to John William David Swan, attorney Sir Edward Richards (Book 17 page 191)

There is no record in the Registry in the form of a recital which sets out how this real property came into the possession of the Grantor in the earlier Voluntary Conveyances listed above.

**Conclusions**

The research has traced the history of the title of the real property of John Augustus Alexander Virgili until 24th January, 1962, through the available sources.

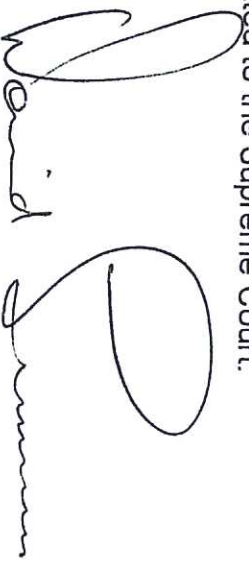
It is concluded herein that John Augustus Alexander Virgili owned Lot 4, shown on the annexed Plan 7, on 24th January, 1962. John Augustus Alexander Virgili died on 17th January, 1972.

The research on which this report is based, did not reveal any record of John Augustus Alexander Virgili disposing of Lot 4 (Plan 7), or any part thereof, between 24th January, 1962 and 17th January, 1972, when he died or before that period.

The record did not reveal who Russell L. Pearman was acting on behalf of, when he made application to the Central Planning Authority for two plans of subdivision for Lot 4 (Plan 7), or whether he was doing so as "owner" of the land.

The record did not reveal how any part of Lot 4 (Plan 7) came into the possession of John William David Swan at the time that he voluntarily conveyed the six lots derived from Lot 4 to Leslie Earl Ming.

The Executor of the Estate of John Augustus Alexander Virgili did not declare any real property asset in the Affidavit of Value submitted to the Supreme Court.



David Summers  
Bermuda-Caribbean Engineering  
Consultants Ltd.