

NAME OF CLAIMANT
#168 - Fern Hill U. B. Church

Number of Acres: Lot.

Location: Swift Run Gap.

Roads: Eight miles over Spotswood Trail To Elkton.

Soil: --

History of Tract and condition of timber: Church Lot.

Improvements: Church 30x40', frame, cement foundation, porch 6x6', 1 1/2 story, paper roof, 1 room, ceiled, built 10 years ago.

Acreage and value of types:

Types	Acreage	Value per acre	Total Value
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Ridge:

Slope:

Cove:

Grazing Land:

Fields Restocking:

Cultivated Land:

Orchard:

Minerals:

Value of Land: \$ 100.00

Value of Improvements: \$ 1100.00

Value of Orchard: \$ 1200.00

Value of Minerals: \$

Value of Fruit: \$

Value of Timber: \$

Value of Wood: \$

Value per acre for tract: \$

Incidental damages arising from the taking of this tract: \$ NONE.

Geo. N. Pen CLERK.

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County: Rockingham
District: Stonewall

#168 - Fern Hill U. B. Church.

Acreage Claimed: Assessed: Not Deed:
Value Claimed: " "

Location: Swift Run Gap.

Incumbrances, counter claims or laps: None known.

Soil:

Roads: Eight miles over Spotswood Trail to Elkton.

History of tract and condition of timber: Church lot.

Improvements: Church 30x40', frame, cement foundation, porch 6x6', 1 1/2 story, paper roof, 1 room, ceiled, built 10 years ago for \$1000.00 including church and lot.

Value of land by types:

<u>Type</u>	<u>Acreage</u>	<u>Value per acre</u>	<u>Total Value</u>
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Total value of improvements		\$1000.00	
Total value of tract		1000.00	

NOTE—This need not be filed until the record discloses that the awards have been paid into the custody of the Courts.

Virginia: In the Circuit Court of Rockingham County

The State Commission on Conservation and Development of the State of Virginia . . . PETITIONER.

V. At Law No. 1829

Cassandra Lawson Atkins and others, and Fifty-Two Thousand, Five Hundred and Sixty-One (52,561) Acres of land, more or less DEFENDANTS.

Comes now the undersigned and shows to the Court:

That a judgment in rem has heretofore been entered in this proceeding condemning to the use of the Petitioner the fee simple estate in the tract(s) of land numbered as follows: Tract No. I68-----:

Tract No. -----: Tract No. -----;

and described in the report of the Board of Appraisal Commissioners appointed herein and shown, numbered, and delineated on the County Ownership Map filed therewith, upon payment into the custody of the Court of the sum(s) set out in the said judgment as constituting the award(s) therefor, as follows:

Award on Tract No. I68 \$ I200-----; on Tract No. ----- \$-----; on Tract No. ----- \$-----;

That the report of the said Board sets forth that the following named persons claim, or appear to have a claim to an interest in the said tract(s) of land or in the proceeds arising from the condemnation thereof; Fern Hill United Brethern Church in Christ

That the Petitioner has paid into the custody of the Court the said sum(s) set out in said judgment as constituting the award(s) for the fee simple estate in the said tract(s) of land;

That your undersigned, on the date of the said judgment in rem condemning the said tract(s) of land, owned or was (were) entitled to the following interest in the said tract(s) or in the proceeds arising from the condemnation thereof:—

Fee Simple

That no other person or persons than the undersigned are entitled to share in the distribution of the said award(s) except the following named persons whose interest in said tract(s) or in the proceeds arising from the condemnation thereof on the date of entry of said judgment was as follows:

Wherefore, your undersigned pray(s) that [he (they) be made a party (parties) herein under the provisions of Section 21 of the Public Park Condemnation Act, and that] an order be entered for the distribution of said sum(s) set forth in said judgment in rem as constituting the award(s) for the fee simple estate in the said tract(s) condemned as aforesaid, and for the payment to the undersigned of the said award(s) or of as much thereof as the Court may find that the undersigned is (are) entitled to

receive, and which the undersigned aver(s) is as follows: Tract No. I68----- \$ I200-----: Tract No. ----- \$-----: Tract No. ----- \$-----;

The undersigned further aver(s) that: (Leave this space blank unless there is some other pertinent matter to be brought specially to the attention of the court) This property has been used continuously since its founding as a House of Worship and it is still being so used. The congregation hopes to continue to use it in the same manner if permitted by the Government to do so.

NAME

P. O. ADDRESS

J. K. Haney
C. H. Callie
J. A. Haney

Swift Run, Va.
Swift Run Va.
Fern Hill, Va.

See verification of the other side.

NOTE—A supply of this blank form has been placed in the Clerk's office for the convenience of interested parties. No one is required to use this form, as the form is not prescribed by law, and claimants can either change or modify it as they deem necessary, or present their motions in any form they may desire which meets with the approval of the Court. This blank form may not and probably will not cover all cases. It has been printed merely as a suggestion of a form of a motion which may be used, subject to the approval of the court in each case.

State of Virginia,
City of Harrisonburg, to-wit:

This day personally appeared before me J.K.Haney, *C.H. Collins*
and Trustees of the Fern Hill United Brethern Church
in Christ and made oath that the statements contained in the afore-
said petition so far as made on their own information are true and
so far as made on the information of others they believe it to be
true. Given under my hand this 12th day of *May* 1934.

[Signature] - - - Notary Public.
My commission expires July 5, 1937

State of Virginia,
City of Harrisonburg, to-wit:

This day personally appeared before me J.A.Haney a Trustee
of the Fern Hill United Berthern Church in Christ and made oath ~~that~~
the statements contained in the aforesaid petition so far as made
on his own information are true and so far as made on the
information of others he believes it to be true. Given under my
hand this 23rd day of June, 1934. My commission expires the
5th day of *July* 1937.

*Notary No
504*

[Signature] - - - Notary Public.

Mount Tay

#150

In the Circuit Court of Rockingham County, Virginia.

State Commission on Conservation and
Development of the State of Virginia,

v. At Law No. 1829.

Cassandra Lawson Atkins, et als.

C.F.Collins, J.K.Haney, and J.A.Haney, Trustees of the Fern Hill United Brethren Church in Christ, having presented their petition, by counsel, in the above mentioned proceedings, asking leave to file the same, leave is hereby granted them to do so, and the same is accordingly filed.

And it being made to appear to the court that there seems to be a reversionary clause in the deed to the aforesaid Fern Hill Church property, it is hereby ordered that process issue against J.J.Beasley, Elsie Belle Baugher, G.W.Baugher, and L.N.Shifflett, the grantors in said deed and H.W.Wyant, a grantee of the said L.N.Shifflett, *returnable to rules,*

*Ent
H.W.W.*

10/15/34

20/6/17

*1 orig. & 5 copies issued 10/18/34
to 1st Pro. Rules, 1934.*

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

State Commission on Conservation and
Development of the State of Virginia

vs.

Cassandra Lawson Atkins, et als

Upon petition of the Trustees of Fern Hill Church of the United Brethren in Christ, filed in the Circuit Court of Rockingham County, in the above entitled case, being designated as No. 1829, and the Court's order filing said petition, required process issue against H. W. Wyant and others, returnable to rules; comes now the undersigned H. W. Wyant and answers the petition aforesaid and also asks that this answer be treated as a petition, and says:

That the title papers in this case show that the undersigned by virtue of deed from L. N. Shifflett, is the owner of the greater part of the tract or parcel of land upon which the Fern Hill Church is built, by virtue of the reversionary clause in deed from L. N. Shifflett to the Trustees of the Fern Hill Church of date August 23, 1918, and by deed from L. N. Shifflett to the undersigned of date September 25, 1931, in which said deeds the undersigned's rights are more specifically described as follows:

"That in the event the said United Brethren in Christ cease to use the property conveyed as a place of public worship, then the title shall revert back to the owners of the original tract".

That while your respondent does not and will not contend that the proceeds from the aforesaid tract No. 168, should come to him or be his property and estate, so long as the proceeds from said Fern Hill Church property can and will be used for church purposes in or near the community of Fern Hill, outside of the Park lines, and for the benefit of its members, in erecting a new church at some other location along the Spottswood Trail, just outside of the Park lines.

The undersigned further represents unto the Court that the United Brethren Church at Swift Run, is just within the Park

area, about two miles from Fern Hill Church, and that the award from the two Church properties could and should be invested in church property in the vicinity of Swift Run.

That the undersigned is of the opinion that when the Fern Hill Church property was condemned in the above entitled suit, that it was not a voluntary abandonment of the property, as contemplated by the reversionary clause hereinbefore quoted, that would entitle the undersigned to the award, so long as the Court directs a re-investment of the proceeds from Tract No. 168 for church purposes in as close proximity to Fern Hill Church as possible.

Your respondent and petitioner here most earnestly represents unto the Court that the reversionary clause, hereinbefore referred to, does place the award in the undersigned, if and when the Trustees and members of the Fern Hill United Brethren Church in Crist ask this Honorable Court, to allow the said award to be invested for "church or parsonage purposes in the Virginia Conference" other than in the vicinity of the Fern Hill section, as shown by the petition filed herein.

That the Virginia Conference embraces the State of Virginia, part of West Virginia and part of Maryland and the undersigned's predecessors in title, who were mountain people and communicants of Fern Hill Church, desired to have a place of worship in their midst, and therefore, the land was donated to the Church with the reversionary clause aforesaid.

The undersigned represents that by deed dated the 26th day of May, 1906, J. H. Haney and others conveyed to L. N. Shifflett the aforesaid tract of land described in these proceedings as Tract No. 168. A copy of said deed is filed herewith, marked "Exhibit Deed No. One" and is prayed to be read as a part hereof.

The undersigned further represents that subsequently, by deed dated the 23rd day of August, 1918, said L. N. Shifflett, J. J.

Beasley, Elsie Bell Baugher and G. W. Baugher, her husband, conveyed the aforesaid tract, designated herein as No. 168, to James A. Haney, Chas. F. Collier and J. K. Haney, Trustees for the United Brethren in Christ in Virginia, "to have and to hold in trust as church property for the sole and special benefit of the United Brethren in Christ, said property to remain the property of said United Brethren in Christ as long as they use it for a place of public worship and never to be sold if said United Brethren in Christ ever cease to use it as a place of public worship then the title shall revert back to the owners of the original tract". A copy of said deed, makred "Exhibit Deed No. Two", is filed herewith and is prayed to be read as a part hereof.

The undersigned alleges that the said J. J. Beasley, Elsie Bell Baugher and G. W. Baugher, her husband, own no interest in said lands, the fee simple title to which had been conveyed to L. N. Shifflett by deed of May 26th, 1906, aforesaid, but united in the deed to said Church Trustees for the purpose of releasing or conveying any interest they may have had in a right of way over said parcel of land.

The undersigned further represents that by deed dated the 25th day of September, 1931, L. N. Shifflett conveyed to the undersigned, H. W. Wyant, a certain parcel of land contiguous to the aforesaid tract No. 168, and in said deed also conveyed to him all rights reserved by the said Shifflett in the deed of August 23rd, 1918, to said Church Trustees, and which rights are more specifically described as follows: "That in the event the said United Brethren in Christ cease to use the property conveyed as a place of public worship, then the title shall revert back to the owners of the original tract".

That by the terms of said deed, the undersigned became vested with the reversion in said Tract No. 168, when and if the Trustees

and congregation of Fern Hill Church of the United Brethren in Christ fail or refuse to ask this Honorable Court for an order directing the investment of this award for church purposes in the Blue Ridge Mountains near as conveniently can be to the Fern Hill community, outside of and adjacent to the National Park area.

A copy of said deed is filed herewith marked "Exhibit Deed No. Three" and is asked to be read as a part hereof.

That there has heretofore been paid into the custody of the Court the sum of \$1200.00, the amount of money set out in said judgment as constituting the award for the fee simple estate of said tract of land, the title thereto becoming vested in the State and, therefore, any rights of the Trustees for the Fern Hill Church of the United Brethren in Christ to use said property as a place of public worship have ceased, unless the said Trustees re-invest the proceeds from said property under the orders of this Court in property to be used for church purposes as aforesaid. And upon failure to use or cause to be invested as aforesaid, the proceeds arising from the said condemnation, to-wit: \$1200.00, then and in that event, the said amount belongs to the undersigned, who alone is entitled to said proceeds arising from said condemnation, and the undersigned therefore prays that said award be paid to him.

H. W. Wyant

State of Virginia,

County of Rockingham, to-wit:

I, Hazel B. Wagner, a Notary Public in and for the County aforesaid, in the State of Virginia, do certify that H. W. Wyant personally appeared before me in my County aforesaid and made oath that the statements of fact contained in the foregoing answer, made upon his own knowledge are true, and those made upon

5.

information derived from others he believes to be true.

Given under my hand this 5th day of November, 1934.

Hazel B. Wagner
Notary Public

THIS DEED made this 26th of May, 1906, between John K. Haney and Lula Haney, of the County of Rockingham, and James A. Haney and Rhoda Haney his wife of the County of Greene, all of the State of Virginia, parties of the first part and L. N. Shiflett of the County of Rockingham and State aforesaid party of the Second part.

W I T N E S S E T H :

That for and in consideration of ten dollars in hand paid to the said parties of the first part by the said L. N. Shiflett party of the second part, the receipt whereof they do hereby acknowledge they the said parties of the first part have bargained sold and conveyed and do now by these presents bargain sell and convey unto him the said L. N. Shiflett all that certain lot or tract of land situate between the old road and the Rockingham turn pike in the County of Greene on top of the Blue ridge mountain and bounded as follows, to wit: Beginning at a White Walnut on the South Side of the Rockingham turn Pike and on the North Side of the Old road corner to J.O. Beazley with his line in said old road S 45 E 12 poles thence S 71 1/2 E 16 poles S 47 1/2 E 25 poles S 87 E 7 poles to a stake a rock to be planted in said old road thence a new line N 10 W 8 poles to the center of the Rockingham turn Pike thence with said road N 58 W 31 poles N 62 W 24 poles to the old line and with old line S 13 E 1 1/2 poles to the beginning containing One and three fourths acres (1 3/4) and the parties of the first part warrant generally the title to the property hereby this deed conveyed. Witness the following signatures and seals the day and date first above written.

John K. Haney (Seal)
Lula A. Haney (Seal)
his
James A.X Haney (Seal)
mark
Rhoda Haney (Seal)

"Exhibit No. One"

Virginia, Greene County, to wit:

I, D. C. Deane a Notary Public in the County and State aforesaid certify that John K. Haney Lula Haney his wife Jas A. Haney and Rhoda Haney his wife whose names are signed to the foregoing Deed bearing date the 26 of May 1906 have each acknowledged the Same before me in my County and State aforesaid Given under my hand this the 26th of May 1906

D.C. Deane, N. P.

My term expires 11 of Dec 1907

Virginia:

In the Clerk's Office Greene County Circuit Court. 3rd day Nov 1913. this deed was presented and together with the certificate annexed admitted to record.

Teste.

B. I Bickers Clerk.

Virginia: In the Clerk's Office of the Circuit Court of Rockingham County. The foregoing deed of Bargain & Sale was this day presented in the office aforesaid and is together with the certificate of acknowledgment annexed, admitted to record this 25 day of September 1931, 4:25 p.m.

Teste: J. Robert Switzer, Clerk.

CopyRecorded in Greene County

THIS DEED made this 23rd day of August 1918, between J. J. Beasley, Elsie Belle Baugher and G. W. Baugher her husband and L. N. Shifflett of the County of Rockingham and State of Virginia, parties of the first part and James A. Haney Charlie F. Collier and J. K. Haney Trustees for the United Brethren in Christ of Virginia, of the second part,

W I T N E S S E T H :

That in consideration of the love they have for the cause of Christ and in the further consideration of one dollar cash in hand paid to the said parties of the first part, by the said parties of the second part, the receipt whereof they do hereby acknowledged they the said parties of the first part, have bargained, sold and conveyed and do now by these presents, grant and convey with general warranty of title unto them the said James A. Haney, Charlie F. Collier and John K. Haney, Trustees as aforesaid and their successors in office, all that certain lot or parcel of land situated lying being in the county of Rockingham on the Southside of the Swift Run Road near the County line and a part of the two tracts of land they now own and bounded as follows: - Beginning at (1) on a plat a point in the junction of the Mountain road with the old road S 80 W 2 1/2 poles from the County line tree a large Chestnut, thence with old line S 80 W 15 poles to (2) on plat on rock to be planted, thence a new line N 69 1/2 W 2 3/4 poles to (3) on plat a rock to be planted, thence N 41 E 8 2/5 poles, to the old road the line between the Beasley tract and L. N. Shiflett, tract of land, thence same course on Shiflett's land 6 poles to (4) on plat the middle of the Pike thence with said road S 9 E 10 1/4 poles to (5) on plat a point in said road on the West side of the junction of the Mountain road with the pike, thence along the West side of the Mountain road S 25 W 3 3/5 poles to the beginning, containing one and thirty five hundredths (1.35) acres, To have and to hold in trust as Church Property for the sole and special benefit of the

"Exhibit No Two"

United Brethren in Christ, said property to remain the property of said United Brethren in Christ as long as they use it for a place of public worship and never to be sold if said United Brethren in Christ ever cease to use it as a place of public worship then the title shall revert back to the owners of the original tract, Witness the following signatures and seals this the day and date first above written.

J. J. Beazley	(Seal)
Elsie B. Baugher	(Seal)
Gid W. Baugher	(Seal)
L. N. Shiflett	(Seal)

Virginia,

Greene County To-Wit:

I, D. C. Deane A Notary Public for the County of Greene in the State of Virginia, hereby certify that J. J. Beazley, G. W. Baugher, Elsie Belle Baugher and L. N. Shiflett whose names are signed to the foregoing writing hereto annexed, bearing date the 23rd day of August 1918, personally appeared before me in My County aforesaid and acknowledged the same.

Given under my hand this the 24th day of August 1918. My Commission expires on the 28th day November 1920.

D. C. Deane N. P.

THIS DEED, made this 25th day of September, 1931, by and between L. N. Shifflett, party of the first part, and Herbert W. Wyant, party of the second part, all of Rockingham County, Virginia,

W I T N E S S E T H :

That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid by the party of the second part to the party of the first part, the receipt whereof is hereby acknowledged, together with other good and valuable consideration, he the said party of the first part has bargained, sold and conveyed and by these presents doth bargain, sell, grant and convey unto said Herbert W. Wyant all that certain lot or tract of land, together with improvements thereon situate on the south side of the Spottswood Trail, on top of the Blue Ridge Mountain in Rockingham County, Virginia, and bounded as follows, to-wit: Beginning at an iron pin in an old roadway, Mrs. Elsie Baugher's corner and in a line of the Fern Hill Church lot; thence, with a line of the church lot, N 41 3/4 E 5.04 poles, to an iron pin in the south line of the Spottswood Trail; thence, with the south side of the Spottswood Trail, N 45 1/4 W 2.8 poles, to an iron pin on the south side of said Trail and in the middle of the old Rockingham and Stanardsville Turnpike, said corner being in John Haney's line; thence, with the middle of the old pike, with Haney's line N 64 3/4 W 9.24 poles, to an iron pin in the middle of the old pike, Haney's corner and in Mrs. Elsie Baugher's line; thence, with her lines, S 6 1/2 E 1.5 poles, to a stake on the north side of an old roadway, white walnut called for; thence, with the old roadway, S 40 E 10.6 poles, to the beginning, containing .24 of an acre, and being the residue of a tract or parcel of land containing 1 3/4 acres, conveyed to the said party of the first part by deed dated May 26, 1906, from John K. Haney and others, which deed is duly recorded in the Clerk's Office of Greene County in Deed Book No. 17, at page 192, and recorded in the Clerk's Office of Rockingham County, in Deed Book No.

11 1/4 habit deed No. Three

at page _____, less, however, a tract or parcel of land conveyed by the said L. N. Shifflett to James A. Haney and others, Trustees of United Brethren in Christ of Virginia, which deed is dated August 23, 1918, recorded in the Clerk's Office of Greene County in Deed Book No. 19, at page 342, and less another tract or parcel of land conveyed by the said L. N. Shifflett to J. A. Haney and Rhoda Haney by deed dated January 20, 1926, which deed is duly of record in the Clerk's Office of Greene County in Deed Book No. 20, at page 384, and less a further strip of land conveyed by said L. N. Shifflett to the Commonwealth of Virginia, by deed dated October 20, 1930, which deed is likewise recorded in the Clerk's Office of Greene County in Deed Book No. 22, at page 31. The said party of the first part doth further grant and convey unto the party of the second part any and all rights reserved to him in the deed dated August 23, 1918, from J. J. Beasley, L. N. Shifflett and others to James A. Haney and others, Trustees of United Brethren in Christ of Virginia, more specifically described as follows: That in the event the said United Brethren in Christ cease to use the property conveyed as a place of public worship, then the title shall revert back to the owners of the original tract. The said party of the first part doth further grant unto the party of the second part, his heirs and assigns, the right to use any part of the overplus or excess water, necessary for the use of said land flowing from the spring on the Polly Shifflett land and from the spring on the R. J. Shifflett land, the grantor reserving to himself, his heirs and assigns, the right to use all water necessary for himself, his family and their livestock from the two springs hereinbefore described. The said party of the first part doth further grant unto the party of the second part the right to lay and maintain a pipe line for conveying the water necessary for the said land from the overplus or surplus from said springs to the filling station and buildings on the tract or

State Commission on Conservation
and Development of the State
of Virginia

vs. Petition of H. W. Wyant

Cassandra Lawson Atkins, &c

UPON PETITION OF TRUSTEES
OF FERN HILL CHURCH

HERBERT W. WYANT

ATTORNEY AT LAW

HARRISONBURG, VA.

FIRST NATIONAL BANK BUILDING

In the Name of the Commonwealth of Virginia,

TO THE SHERIFF OF ROCKINGHAM COUNTY—GREETING:

You are hereby commanded to summon J. J. Beasley, Elsie Belle Baugher, G. W. Baugher, L. N. Shifflett, and H. W. Wyant,

L. N. Shifflett

to appear at the Clerk's Office of the Circuit Court of Rockingham County, at the Court House, on the first Monday in November, 19 34, to answer ~~a Bill in Chancery exhibited against them by~~ the petition of C. F. Collins, J. K. Haney, and J.A. Haney, Trustees of the Fern Hill Church of the United Brethren in Christ, filed in the condemnation proceeding of State Commission on Conservation and Development of the State of Virginia v. Cassandra Lawson Atkins, et als., etc.

And you are hereby required to notify the said defendants that unless they shall answer the said ^{petition} ~~Bill~~ within the time prescribed by law, the Court will take the same for confessed, and decree accordingly. And this ^{you} ~~they~~ shall in no wise omit under the penalty of £100. And have then and there this Writ.

Witness, J. Robert Switzer, Clerk of our said Court, at the Court House, the 18th day of October, 1934, and in the 159th year of the Commonwealth.

J. Robert Switzer, Clerk.

In the Name of the Commonwealth of Virginia,

TO THE SHERIFF OF ROCKINGHAM COUNTY—GREETING:

You are hereby commanded to summon J. J. Beasley, Elsie Belle Baugher, G. W. Baugher, L. N. Shifflett, and H. W. Wyant,

J. J. Beasley

to appear at the Clerk's Office of the Circuit Court of Rockingham County, at the Court House, on the first Monday in November, 1934, to answer ~~the Bill in Chancery exhibited against them by~~ the petition of C. F. Collins, J. K. Haney, and J.A. Haney, Trustees of the Fern Hill Church of the United Brethren in Christ, filed in the condemnation proceeding of State Commission on Conservation and Development of the State of Virginia v. Cassandra Lawson Atkins, et als., etc.

And you are hereby required to notify the said defendants that unless they shall answer the said ^{petition} ~~bill~~ within the time prescribed by law, the Court will take the same for confessed, and decree accordingly. And this ^{you} ~~they~~ shall in no wise omit under the penalty of £100. And have then and there this Writ.

Witness, J. Robert Switzer, Clerk of our said Court, at the Court House, the 18th day of October, 1934, and in the 159th year of the Commonwealth.

J. Robert Switzer, Clerk.

In the Name of the Commonwealth of Virginia,

TO THE SHERIFF OF ROCKINGHAM COUNTY—GREETING:

You are hereby commanded to summon J. J. Beasley, Elsie Belle Baugher, G. W. Baugher, L. N. Shifflett, and H. W. Wyant,

[Faint blue ink scribbles and illegible text]

UNITED BRETHREN IN CHRIST,
OF FERN HILL CHURCH OF THE
IN RE: PETITION OF TRUSTEES

Filed in condemnation proceedings

Lawson Atkins, et als., etc.
State of Virginia v. Conserva-
tion and Development of the
State Commission on Conserva-

petitioners,
Glenn W. Freeman, et al., for

1934

1st Nov. Rules:

to appear at the Clerk's Office of the Circuit Court of Rockingham County, at the Court House, on the first Monday in November, 1934, to answer ~~to Bill in Chancery exhibited against them by~~ the petition of C. F. Collins, J. K. Haney, and J.A. Haney, Trustees of the Fern Hill Church of the United Brethren in Christ, filed in the condemnation proceeding of State Commission on Conservation and Development of the State of Virginia v. Cassandra Lawson Atkins, et als., etc.

And you are hereby required to notify the said defendants that unless they shall answer the said ^{petition} ~~Bill~~ within the time prescribed by law, the Court will take the same for confessed, and decree accordingly. And this ^{you} ~~they~~ shall in no wise omit under the penalty of £100. And have then and there this Writ.

Witness, J. Robert Switzer, Clerk of our said Court, at the Court House, the 18th day of October, 1934, and in the 159th year of the Commonwealth.

J. Robert Switzer, Clerk.
By Margiel Dawkins
D.C.

In the Name of the Commonwealth of Virginia,

TO THE SHERIFF OF ROCKINGHAM COUNTY—GREETING:

You are hereby commanded to summon

J. T. Beasley, Elsie Belle Baugher, G. W. Baugher, J. N. Shifflett, and H. W. Wyant,

Oct 20 - 1934

by delivering a true copy of the

within Summons to

H. W. Wyant

J. N. Shifflett Deputy for

C. R. Pawley S. R. L.

In person.

IN RE: PETITION OF TRUSTEES OF FERN HILL CHURCH OF THE UNITED BRETHREN IN CHRIST.

Filed in condemnation proceedings:

State Commission on Conservation and Development of the State of Virginia v. Cassandra Lawson Atkins, et als., etc.

Glenn W. Ruebush, atty. for petitioners.

1934

1st Nov. Rules:

20

Oct 20 - 1934

by delivering a true copy of the

within Summons to

Elsie Belle Baugher

G. W. Baugher

J. T. Beasley + J. N. Shifflett not for in my behalf

Deft for C. R. Pawley S. R. L.

proceeding of State Commission on Conservation and Development of the State of Virginia v. Cassandra Lawson Atkins, et als., etc. Fern Hill Church of the United Brethren in Christ, filed in the condemnation

by delivering a true copy of the

within Summons to

And you are hereby required to notify the said defendants that unless they shall answer the said petition within the time prescribed by law, the Court will take the same for confessed, and decree accordingly. And this you shall in no wise omit under the penalty of \$100. And have them and their this writ.

Witness J. Robert Switzer, Clerk of our said Court, at the Court House, the 8th day of October, 1934, and in the 15th year of the Commonwealth.

Clerk

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF ROCKINGHAM
COUNTY, VIRGINIA.

We the undersigned trustees and members of the Fern Hill church, United Brethren in Christ, do hereby petition your Honor to order the payment of the \$1200 we are to receive from the Park Commission to Rev. A. J. Secrist, Treasurer of the Virginia Conference Church Extension Society, Inc., a Virginia corporation, with its main office at Dayton, Virginia, to hold in trust for the benefit of the aforesaid Fern Hill Church to be used for the erection of a new church at some other location, but if not needed, then to be used for other church or parsonage purposes in the Virginia Conference. It is further agreed that as long as the aforesaid congregation is allowed to worship in the Fern Hill church, the income from the fund is to be used for the payment of salary and benevolent budget of the Fern Hill church.

Date Sept 20-1934

C. H. Collier Treas. Trustee
J. B. Haney Trustee
J. B. Haney Pres Trustee

Members--

<u>Mrs Russell Hawkins</u>	<u>Mrs. J. T. Haney</u>
<u>Virginia Haney</u>	<u>James A. Haney Jr.</u>
<u>Pearl Knighton</u>	<u>George F. Shiflett</u>
<u>Ruth Haney</u>	<u>Elbert Haney</u>
<u>Mrs J. A. Haney</u>	<u>Maudie Haney</u>
<u>Mrs. Westy Hensley</u>	<u>Tommy McDaniel</u>
<u>Mrs. Marie Knighton</u>	<u>Lonie</u> "
<u>Irma Collier</u>	<u>Wesley</u> "
<u>Charley Collier</u>	<u>Josie Shiflett</u>
<u>Elmer Collier</u>	<u>C. E. Haney</u>
<u>Hazel Knighton</u>	<u>Dewey Haney</u>
<u>Edith Hensley</u>	<u>Woodrow Knighton</u>
<u>Sarah W. Hensley</u>	<u>Mrs Lettie Dean</u>
<u>Lizzie J. Knighton</u>	<u>Flossie Dean</u>
<u>Mrs. E. C. Lane</u>	

This deed made this 23rd day of August 1918, between J.J.Beasley, Elsie Belle Baugher and G.W.Baugher her husband and L.N. Shiflett of the county of Rockingham and State of Virginia, parties of the first part, and James A.Haney, Charlie F.Collier and J.K.Haney, Trustees for the United Brethern in Christ of Virginia, of the second part.

WITNESSETH

that in consideration of the love they have for the cause of Christ and in the further consideration of one dollar cash in hand paid to the said parties of the first part, by the said parties of the second part, the receipt whereof they do hereby acknowledged they the said parties of the first part, have bargained, sold and conveyed and do now by these presents, grant and convey with general warranty of title unto them the said James A. Haney, Charlie F.Collier and John K.Haney Trustees as aforesaid and their successors in office, all that certain lot or parcel of land situated lying being in the county of Rockingham on the Southside of the Swift Run Road near the county line and a part of the two tracts of land they now own and boundred as follows;- Beginning at (1) on plat a point in the junction of the mountain road with the old road S.80 W. 2½ poles from the county line tree a large chestnut, thence with old road line S.80 W. 15 poles to (2) on plat a rock to be planted, thence a new line N. 69½ W. 2¾ poles to (3) on plat a rock to be planted, thence N. 41 E. 8-2/5 poles to the old road the line between the Beasley Tract and L.N.Shiflett, tract of land thence same course on Shiflett's land 6 poles to (4) on plat and middle of the Pike thence with said road S.9 E.10¼ poles to (5) on plat a point in said road on the West side of the junction of the mountain road with the pike thence along the west side of the mountain road S.25 W.3-3/5 poles to the beginning, containing **one and thirty five hundredth (1.35) acres**, To have and to hold in trust as Church property for the sole and special benefit of the United Brethern in Christ, said property to remain the property of said United Brethern in Christ as long as they use it for a place of public worship and never to be sold is said United Brethern in Christ ever cease to use it as a place of public worship then the title shall revert back to the owners of the original tract.

Witness the following signatures and seals this the day and date first above written.

J.J. Beasley (Seal)

Elsie B. Baugher (Seal)

Gid W. Baugher (Seal)

L.N. Shiflett (Seal)

Virginia.

Greene County, to-wit;

I, D.C. Deane a Notary Public for the county of Greene in the State of Virginia, hereby certify that J.I. Beasley, G.W. Baugher, Elsie Belle Baugher and L.N. Shiflett whose names are signed to the foregoing writing hereto annexed bearing date the 23rd day of August 1918, personally appeared before me in my county aforesaid and acknowledged the same Given under my hand this the 24th day of August 1918.

My Commission expires on the 28th day Nov. 1920.

D.C. Deane N.P.

VIRGINIA:-

In the Clerk's Office, Greene County Circuit Court, 30 day of May 1921, this deed, was this day filed in the office aforesaid, and with the certificate annexed admitted to record.

Teste: B.G. Pickens Clerk

A Copy Teste:

B.G. Pickens Clerk.

Fee for Copy.
\$1.00

VIRGINIA: In the Clerk's Office of the Circuit Court of Rockingham County. The foregoing deed of Bartering Sale was this day presented in the office aforesaid and is together with the certificate of acknowledgment annexed, admitted to record this 25th day of September 1934, 9:20 AM.

Teste: Robert Switzer Clerk

1231

J. Beasley & Co
To

Deed of B & S.
U. U. B. Church
New Hill

Deed to
John Beasley atty -

Tax \$ Fee \$ 1.50
Transfer \$ Total \$ 1.50

Admitted SEP 27 1934 9:20 AM

Robert Hunter Clerk
Rockingham County, Va.

Harrisonburg, Va. Sept. 25 1934

Recorded in Deed Book

No. 158 Page 530 M.

Robert Hunter
County Clerk

This deed made this 23rd day of August 1918, between J.J. Brazley, Elsie Belle Baugher and G.W. Baugher her husband and L.N. Shiflett of the County of Rockingham and State of Virginia, parties of the first part and James A. Haney Charlie F. Collier and J.K. Haney Trustees for the United Brethern in Christ of Virginia, of the second part, WITNESSETH: that in consideration of the love they have for the cause of Christ and in the further consideration of one dollar cash in hand paid to the said parties of the first part, by the said parties of the second part, the receipt whereof they do hereby acknowledged ~~they~~ the said parties of the first part, have bargained, sold and conveyed and do now by these presents, grant and convey with general warranty of title unto them the said James A. Haney, Charlie F. Collier and John K. Haney, Trustees as aforesaid and their successors in office, all that certain lot or parcel of land situated lying being in the county of Rockingham on the Southside of the Swift Run Road near the County line and a part of the two tracts of land they now own and bounded as follows: Beginning at (1) on a plat a point in the junction of the Mountain road with the old road S 80 W. $2\frac{1}{2}$ poles from the County line tree a large Chestnut, thence with old line S. 80 W. 15 poles to (2) on plat a rock to be planted, thence a new line N $69\frac{1}{2}$ W. $2\frac{3}{4}$ poles to (3) on plat a rock to be planted, thence N. 41 E. $8\frac{2}{5}$ poles, to the old road the line between the Beazley Tract and L.N. Shiflett, tract of land, thence same course on Shiflett's land 6 poles to (4) on plat the middle of the Pike thence with said road S 9 E. $10\frac{1}{2}$ poles to (5) on plat a point in said road on the West side of the junction of the Mountain road with the pike, thence along the West side of the Mountain road S 25 W. $3\frac{3}{5}$ poles to the beginning, containing one and thirty five hundredths (1.35) acres, To have and to hold in trust as Church Property for ^{the} sole and special benefit of the United Brethern in Christ, said property to remain the property of said United Brethern in Christ as long as they use it for a place of public worship and never to be sold ~~if~~ said United Brethern in Christ ever cease to use it as ~~a~~ place of public worship then the ~~title~~ shall revert back to the owners of the original tract, Witness the following signatures and seals this the day and date first above written.

J.J. Beazley

(Seal)

Elsie B. Baugher (Seal)

Gid W. Baugher (Seal)

L.N. Shiflett (Seal)

Virginia,

Greene County To_Wit;

I, D.C. Deane A Notary Public for the County of Greene in the State of Virginia, hereby certify that J.J. Beazley, G.W. Baugher, Elsie Belle Baugher and L.N. Shiflett whose names are signed to the foregoing writing heretoannexed, bearing date the 23rd day of August 1918, personally appeared before me in My County aforesaid and acknowledged the same. Given under my hand this the 24th day of August 1918. My Commission expires on the 28th November 1920.

D.C. Deane N.P.

VIRGINIA:-

In the Clerk's Office, Greene County Circuit Court, ^{30th} day of May 1921, this deed, was this day filed in the office aforesaid, and with the certificate annexed admitted to record.

Teste: B.J. Bickers Clerk

A Copy Teste,
B.J. Bickers Clerk

At a special meeting of the congregation of the Fern Hill United Brethern Church in Christ, held on the // day of *Feb.* 1935, at 7 o'clock at the Church House on top of the Blue Ridge Mountain, east of Swift Run, Rockingham County, Virginia; which special meeting was duly called for the aforesaid time and place at a regular meeting of the said congregation held at the said Church House, for the purpose of passing upon the disposition to be made of the \$1200.00 fund to be received from the State of Virginia for the condemnation of the Church property for Park purposes, at which special meeting the congregation was fully informed respecting the actions taken by the Trustees of the Church, by duly verified petition to the Circuit Court of Rockingham County, Virginia, to obtain the said fund for the use of the Fern Hill Church; and respecting the petition of the same Trustees and twenty-nine members of the said Church congregation (the total membership of the Fern Hill United Brethern congregation, over the age of twenty-one being only 20) which petition requested the said Court to order the said fund paid to the Treasurer of the Virginia Conference Church Extention Society, Inc., a Virginia Corporation, for the benefit of the said Fern Hill Church, and as otherwise set forth below:

Now therefore be it resolved this // day of *Feb.* 1935, at this said special meeting called for the purpose that we approve of the actions of our Trustees and the members of our congregation as aforesaid;

And be it further resolved that we petition the Circuit Court of the County of Rockingham, Virginia, that it order the payment of the said fund of \$1200.00 to the Treasurer of the Trustees of Virginia Conference Church Extention Society of the United Brethern in Christ, a Virginia corporation, as follows: First, that the said fund be held in trust by the said Corporation, the income from which shall be paid to the local Fern Hill congregation so long as it exists; Second, that should the existance of the congregation

and the Church, as such, be destroyed by the sovereign act of the State of Virginia or of the United States of America, then the said fund shall be used for the purpose of building a new Church at some location agreeable to the said Fern Hill Congregation, providing a sufficient number of them locate in a central community to justify it, or providing they can agree on some other local Church to receive either the principal or the income therefrom; Third, that if both of the above provisions fail then the said fund shall be used for the purpose of building a new Church at some other location agreed upon by the said Fern Hill congregation or for the relocation, repair, or maintenance of some other United Brethern Church agreed upon by the said Fern Hill congregation; Fourth, but if any of the above provisions fail then the said fund, or the income therefrom, shall be used for the erection, repair, or maintenance of a United Brethern Church in the eastern part of Rockingham County, in or near the Swift Run community.

John K. Haney,
Chairman.

Lula A. Haney,
Secretary.

W. B. Smith,
Pastor

U. P. Housselle,
Virginia Conference
Superintendent.

In the Circuit Court of Rockingham County, Virginia.

In the Matter of the Fern Hill
United Brethern Church.

Memorandum for Church.

Condition Subsequent - Condemnation - No Forfeiture. The Virginia Court has held that where the performance of a condition subsequent, as in this case, becomes impossible (such as the intervention of a sovereign power by condemnation proceeding, for example) then the original grant becomes absolute and the estate is not forfeited. To effect a forfeiture the abandonment must be voluntary. The possibility of a voluntary abandonment, and resulting forfeiture in the case at bar has become impossible by the sovereign act of the State of Virginia. Under these circumstances the fee has become absolute and any contingent forfeiture has been cut off for ever so far as the church is concerned.

The court said in the case of *Burdis v. Burdis*, 96 Va. 81, 83: "The law is clear that where a condition precedent is annexed to a devise of real estate, and its performance is or becomes impossible, the devise fails, although there be no default or laches on the part of the devisee himself x x; but if the condition is subsequent, and its performance becomes impossible, the rule is different. In that case the estate will not be defeated or forfeited, but the devisee will hold the property by an absolute title, as if no condition had been annexed to the devise. 2 Jarman on Wills II; 4 Kent's Com. 130; *Ridgeway v. Woodhouse*, 7 Beav. 437; *Collett v. Collett*, 35 Beav. 312; *McLachlan v. McLachlan*, 9 Paige 534; *Martin v. Ballou*, 13 Barb. 119; *Livingston v. Gordon*, 84 N.Y. 140; *Merrill v. Emery*, 10 Pick. 507; *Parker v. Parker*, 123 Mass. 584; and *Morse v. Hayden*, 82 Me. 227."

See also *Adams v. Adams*, 95 W. Va. 187, 194 (1923).

No reported Virginia cases dealing with a condemnation suit has been found, but there cases from other states holding that

where the state or some other sovereign condemns the land there is no forfeiture. There reasoning seems to be sound. For instance, in the case of Scoville v. McMahan, 36 Amer. St. Rep. 350, a tract of land was deeded to the Roman Catholic Church for a burial ground in Hartford, Connecticut. The deed had a reversionary clause in it. Subsequently the legislature permitted the City to condemn the land and take it for park purposes. The question arose as to who got the appropriated money. The court held the reverter clause of the deed to be a condition subsequent and that the entire fund went to the Catholic Church and that no part of it went to the heirs of the original grantor, Scovill.

Even assuming, in the case at bar, that the original grantors had an interest in the land by reason of the provision in the deed, at best, it was only "a possibility of reverter" (supra, page 356), of doubtful, if indeed of any value. As was said in the case of Lyford v. Laconia, 139 Amer. St. Rep. 680 (discussed below), at page 685-6: "Whether the event upon which the plaintiff might come into ownership of the land would ever happen was a mere speculation. There was no method by which the value of the interest could be assessed which would rise above the dignity of a guess." Then the court goes on further to point out that his possibility of an interest is "too remote and contingent" to be subject to an estimate of damages. The original grantors lose nothing by the condemnation, while the church loses everything, to-wit, the use of the property, which is its only value to the church. As soon as there is a voluntary disuser, the property goes from the church anyway. It does not acquire or hold the property for gain or profit. The State steps into the shoes of the church so far as the original grantors are concerned. Should the State later step out of them, will the property still not then revert to the original grantors just as it would have done in case of a voluntary abandonment by the church? But however that may be the Church's property has been taken forever by the State. How are the original grantors hurt by the State taking the place of the church?

In the case of Lyford v. Laconia, 139 Amer. St. Rep. 680, the reverter clause in the deed to the church was like the one at bar. The land was occupied "with their house of public worship until after the land was taken by the city" of Laconia for park purposes. In that case it was conceded even by the plaintiff and held by the court "that if the society held the land upon condition subsequent, the further compliance with the condition" (to occupy for public worship) "being prevented by act of law, the society would hold the land discharged of the condition" and that the heirs of the grantor had no interest in the award.

Now although it is not conceded that the petitioning assignee has any right to say to what use the fund shall be put, nevertheless, it seems that his suggestions are not in conflict with the best interests of the church community in question and a decree has been prepared which is not in conflict with his wishes it is submitted. Certainly the Virginia Conference has no desire of depriving the community of a church nor of depriving the community of the use of the funds in question; otherwise the Conference would not have been furnishing the church with a pastor and maintaining it in a large part as a mission church in the past.

(As to a disposition of church property in accordance with the wishes of a majority of the communicants see sec. 40, Va. Code, 1919. As to the wishes of the congregation in question see their petition to this court.)

The property is still being used as always and it is the intention of the congregation to continue to so use it so long as the Federal Park Authorities permit. But should the congregation be dispersed by the acts of the State or Federal government, as seems to be impending, and are thereby forced to discontinue the use of the property the money can hardly be divided up into parts and distributed among the trustees or members of the church, for them to take to such various localities that they might chance to settle in. But such an exigency would not defeat the right to have

the fund held in tact for the lawful use of it as church property. The fund now being held by the State Treasurer is not producing any income. This the church is certainly entitled to.

The discipline or Church Law of the United Brethern Church in Christ, of which the Fern Hill congregation is a component part, provides that in case of the sale of church property, and it seems that this condemnation proceeding should be treated as analogeous to a sale under the circumstances, the fund derived therefrom may be turned over to the Virginia Conference Church Extention Society, which is a Virginia Corporation, with its principal office at Dayton, this County (Rockingham). Its charter is on file in the Clerk's Office of this County in Charter Book No. 3, at page 63-5. Among other things, it provides for the holding of funds such as these in question in trust. It name implies the nature of its general activities.

None of the things that the Trustees of the Fern Hill Church conflict with the suggestions of the petitioning assignee. They are asking for three things. First. That the fund in question be held in perpetual trust by the saforesaid Corporation, the income from which shall be paid to the local Fern Hill congregation so long as it exists. ^{should} Second. That the existance of the congregation and the church be destroyed by the action of one or more or both of the sovereign powers heretofore mentioned, then they ask for the privilege of using such funds for the purpose of building a new church at some location agreeable to the Fern Hill congregation providing a sufficient number of them locate in a central community or providing they can agree on some other local church to receive either the principal or the income therefrom. Third. That if either one of these two exegencies fail, then they ask for the privilege of using such funds for the purpose of building a new church at some other loacation agreeable to the Fern Hill congregation providing ~~thezxzxanxzgzrrexonzxzxomexokzx~~ a sufficient number of them locate in a central community or providing that they can agree on some other local church to receive either the principal or the income therefrom.

Fourth. That should any of the above fail, then they ask that the fund be used in the erection, repair, or maintenance of an existing church in the eastern part of Rockingham County, in or near the Swift Run community preferably, or that the income from the said corpus be so used, agreeably to or in conformity with the general laws of the United Brethern Church and the charter provisions of the aforesaid corporation.

In short, they are asking that the fund her in question be disposed of in the same manner as that of the Swift Run fund.

Respectfully submitted,

Edmund G. [Signature] --Counsel.

11/5/34

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

State Commission on Conservation and
Development of the State of Virginia

vs. UPON PETITION OF TRUSTEES OF FERN HILL CHURCH
Cassandra Lawson Atkins, and others

Upon motion of H. W. Wyant, leave is given him to file his
answer and petition in the above entitled cause, which answer and
petition is now filed.

Enter;

HWB Judge

20 / 11 17

In the Circuit Court of Rockingham County, Virginia.

The State Commission on Conservation and
Development of the State of Virginia,

Petitioner,

v.

Cassandra Lawson Atkins and others, and
Fifty-two Thousand, Five Hundred and
Sixty-one Acres of Land, More or Less.

This cause came on this 15 day of February, 1935, to be heard on the petition of C.F. Collier, J.K. Haney, and J.A. Haney, Trustees of the Fern Hill United Brethren Church and Mrs. Russell Hawkins, and others, communicants of the said church, and upon the resolution and petition adopted at a special meeting of the said congregation, held February II, 1935, called for the express purpose of passing upon the matter of the disposition of the fund herein referred to, and the exhibits filed therewith; on the answer and petition of H.W. Wyant, assignee of the rights and interests of J.J. Beasley, Elsie Belle Baugher, G.W. Baugher, and L.N. Shifflett, the original grantors; and the said J.J. Beasley, Elsie B. Baugher, G.W. Baugher, and L.N. Shifflett, having failed to answer or otherwise plead to the said petition of C.F. Collier, et als, although it appears to the court that they were duly served with process; and was argued by counsel; and upon consideration the court being of opinion that the said United Brethren Church in Christ is invested with a superior or better right or claim of title in and to the tract of land, and the improvements thereon, Numbered I68, by the Petitioner, State Commission on Conservation and Development of the State of Virginia, and appraised by it at \$1200 and that it is therefore entitled to receive the proceeds arising from the condemnation of the said tract of land and improvements, to-wit, the \$1200; and it being made to appear to the court that it is the wishes and desires of the said Trustees and Communicants of the said Fern Hill Church that they use the present church property so long as they are permitted to do so by the Park Authorities, and that the said \$1200 should be paid to the Trustees of Virginia Conference Church Extension Society of the United Brethren in Christ, a corporation existing under and by virtue of the laws of the State of Virginia, with principal offices at Dayton, ^{Rockingham County,} Virginia, to

be held in trust by it for the purposes in the said petition requested and hereinafter ordered.

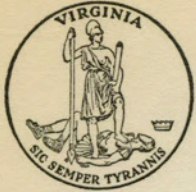
Upon consideration whereof it is hereby ordered, adjudged, and decreed that the said sum of \$1200 for the tract No. 168, paid into court by Petitioners as compensation for the said tract of land and improvements, be paid to Glenn W. Ruebush, Attorney for the aforesaid Trustees and Communicants of the said Fern Hill Church of the United Brethren in Christ; that the said fund be held in trust by the Trustees of Virginia Conference Church Extension Society of the United Brethren in Christ, a Virginia Corporation, as follows: First, that the said fund be held in ~~the~~ trust by the said Corporation, the income from which shall be paid to the local Fern Hill congregation so long as it exists; Second, that should the existence of the congregation and the church, as such, be destroyed by the sovereign act of the State of Virginia or of the United States of America, then the said fund shall be used for the purpose of building a new church at some location agreeable to the said Fern Hill congregation, providing a sufficient number of them locate in a central community to justify it, or providing they can agree on some other local church to receive either the principal or the income therefrom; Third, that if both of the above provisions fail then the said fund shall be used for the purpose of building a new church at some other location agreed upon by the said Fern Hill congregation or for the relocation, repair, or maintenance of some other United Brethren Church agreed upon by the said Fern Hill congregation; Fourth, but that if any of the above provisions fail then the said fund, or the income therefrom, shall be used for the erection, repair, or maintenance of a United Brethren Church in the eastern part of Rockingham County, in or near the Swift Run community.

The Clerk of this court is directed to transmit a certified copy of this order to the Treasurer of Virginia, who will pay unto the said Glenn W. Ruebush, Attorney, the sum of \$1200, the amount

of the said award set out in the said judgment of condemnation for the said land and improvements, above designated, taking from him a receipt therefor and certifying such payment to the clerk for appropriate entry thereof as required by law.

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321



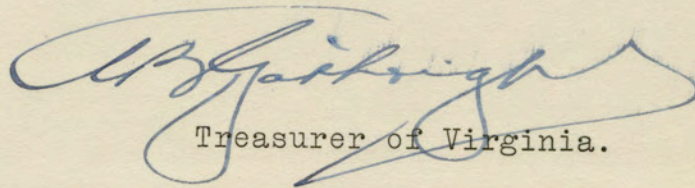
JOHN M. PURCELL
TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE
RICHMOND, VA.

MARCH 1, 1935

A. B. Gathright,
This is to certify that I, ~~John M. Purcell~~, Treasurer
of Virginia have this 1st day of March in accordance
with an order of the circuit court of Rockingham County
dated 2/25/35 in the cause of the State Commission
on Conservation and Development of the State of Virginia
vs. Cassandra Lawson Atkins and others
paid to Glen W. Reubush, Attorney, Harrisonburg, Virginia
\$1,200.00 being in full settlement of tract # 168
in the above mentioned cause.


Treasurer of Virginia.



~~JOHN M. PURCELL~~
TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

MARCH 1, 1935

Glen W. Ruebush, Attorney

Harrisonburg, Virginia

A. B. Gathright
Received of ~~John M. Purcell~~, Treasurer of
Virginia, the sum of \$ 1,200.00, in accordance
with an order of the Circuit Court of the county
of Rockingham entered on the 25th day
of February 1935, in the matter of the State
Commission on Conservation and Development v _____
Cassandra Lawson Atkins and others, being
full and complete settlement for the tract of land
known in said proceeding as #168.

Glen W. Ruebush
Attorney

Sign original and duplicate
and return to the Treasurer
of Virginia.