ROCKINGHAM COUNTY

NAME OF CLAIMANT

#358 - Moubray, R. L. (Claimed by A. L. and J. F. Moubray)

Number of Acres: 3

Location: Gap Run. Entirely within the Park area.

Roads: Three miles of good dirt road to Yancey, the nearest shipping point.

Soil: Gravelly loam of fair depth and fertility and with a considerable amount of creek rock, it is level.

History of Tract and condition of timber:

None.

Improvements: Tenant house: Frame, 15x35', 3 rooms, 1 story, paper roof, no chimney, poor condition.
Stable: Frame, 8x18x10', board roof, poor condition.
Hen house: Frame, 8x8x8', board roof, poor condition.

~~Improvements:~~

Acreage and value of types:

Types	Acreage		Value per acre	Total Value
Ridge:				
Slope:				
Cove:				
Grazing Land:				
Fields Restocking:				
Cultivated Land:	3	@	$25.00	$75.00
Orchard:				
Minerals:				230.00

Value of Land: $ 75.00

Value of Improvements: $ 230.00

Value of Orchard: $ 15.00

Value of Minerals: $ 15.00

$320.00

Value of Fruit: $

Value of Timber: $

Value of Wood: $

Value per acre for tract: $106.66

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

Geo. S. Pen: CLERK.

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JOHN M. PURCELL
TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE
RICHMOND, VA.

March 22, 1934

This is to certify that I, J. M. Purcell, Treasurer of Virginia have this 22 day of March in accordance with an order of the circuit court of Rockingham County dated 3/12/34 in the cause of the State Commission on Conservation and Development of the State of Virginia vs. Cassandra Lawson Atkins paid to A. L. Moubry and J. F. Moubry $379.17 being in full settlement of tract # 358 and 166 in the above mentioned cause.

J. M. Purcell
Treasurer of Virginia.
By W. H. Young
DEPUTY TREASURER OF VIRGINIA

136

Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

JOHN M. PURCELL
TREASURER OF VIRGINIA

March 22, 1934

A. L. Moubry and J. F. Moubry

Received of J. M. Purcell, Treasurer of Virginia, the sum of $379.17, in accordance with an order of the Circuit Court of the county of Rockingham entered on the 12th day of March 1934, 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 # 358 and 166

A. L. Moubry
J. F. Moubry

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

Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

JOHN M. PURCELL
TREASURER OF VIRGINIA

March 22, 1934

This is to certify that I, J. M. Purcell, Treasurer of Virginia have this 22 day of March in accordance with an order of the circuit court of Rockingham County dated 3/22/34 in the cause of the State Commission on Conservation and Development of the State of Virginia vs. Cassandra Lawson Atkins paid to John E. Roller's estate, George G. Grattan, Jr. and R. E. Cabell, Executors $450.00 being in full settlement of tract # 358 and 166 in the above mentioned cause.

J M Purcell
Treasurer of Virginia.
By W. L. Young
DEPUTY TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

JOHN M. PURCELL
TREASURER OF VIRGINIA

March 22, 1934

John E. Roller's estate, George G. Grattan, Jr. and R. E. Cabell, Executors

Received of J. M. Purcell, Treasurer of Virginia, the sum of $ 450.00 , in accordance with an order of the Circuit Court of the county of Rockingham entered on the 12th day of March 1934 , 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 # 358 and 166

John E. Roller Estate
Geo. G. Grattan, Jr.
~~R. E. Cabell Executors~~
By R. E. Cabell
Surviving Executor

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

Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

JOHN M. PURCELL
TREASURER OF VIRGINIA

March 22, 1934

This is to certify that I, J. M. Purcell, Treasurer of Virginia have this 22 day of March in accordance with an order of the circuit court of Rockingham County dated 3/12/34 in the cause of the State Commission on Conservation and Development of the State of Virginia vs. Cassandra Lawson Atkins and others paid to J. Robert Switzer, Clerk of Rockingham County Harrisonburg, Virginia $ 8.20 being in full settlement of tract #358 and 166 in the above mentioned cause.

J M Purcell
Treasurer of Virginia.
By W G Young
DEPUTY TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

JOHN M. PURCELL
TREASURER OF VIRGINIA

March 22, 1934

J. Robert Switzer, Clerk of Rockingham County
Harrisonburg, Virginia

Received of J. M. Purcell, Treasurer of Virginia, the sum of $ 8.20, in accordance with an order of the Circuit Court of the county of Rockingham entered on the 12th day of March 1934, 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 # 358 and 166

J. Robert Switzer, Clerk

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

Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

JOHN M. PURCELL
TREASURER OF VIRGINIA

March 22, 1934

This is to certify that I, J. M. Purcell, Treasurer of Virginia have this 22 day of March in accordance with an order of the circuit court of Rockingham County dated 3/12/34 in the cause of the State Commission on Conservation and Development of the State of Virginia vs. Cassandra Lawson Atkins paid to M. H. Harrison, Treasurer of Rockingham County Harrisonburg, Virginia $ 5.63 being in full settlement of tract #358 and 166 in the above mentioned cause.

J M Purcell
Treasurer of Virginia.
By W. H. Young
DEPUTY TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

JOHN M. PURCELL
TREASURER OF VIRGINIA

March 22, 1934

M. H. Harrison, Treasurer of Rockingham County
Harrisonburg, Virginia

Received of J. M. Purcell, Treasurer of Virginia, the sum of $ 5.63, in accordance with an order of the Circuit Court of the county of Rockingham entered on the 12th day of March 1934, 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 # 358 and 166.

M H Harrison Treas

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

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County: Rockingham
District: Stonewall

#358 - Moubray, R. L.

Acreage Claimed: Assessed: Not Deed: Not available

Value Claimed: " "

Location: Gap Run. Entirely within the Park Area.

Incumbrances, counter claims or laps: Mineral rights belong to Jacob Yost, Trustee.

Soil: Gravelly loam of fair depth and fertility and with a considerable amount of creek rock, it is level.

Roads: Three miles of good dirt road to Yancey, the nearest shipping point.

History of tract and condition of timber: None.

Improvements: Tenant house, frame 15x35', 3 rooms, 1 story, paper roof, no chimney, poor condition. -- $120.00
Stable: Frame 8x18x10, board roof, poor condition- 10.00
Hen house: Frame 8x8x8', board roof, poor " 5.00
135.00

Orchard: 5 apple trees - 25 years old - fair condition - $8.00

Value of land by types:

Type	Acreage	Value per acre	Total Value
F c	3	$20.00	$60.00

Total value of land	$60.00
Total value of improvements	135.00
Total value of orchard	8.00
Total value of tract	203.00
Average value per acre	67.67

2 decrees

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

THE STATE COMMISSION ON CONSERVATION AND DEVELOPMENT OF THE STATE OF VIRGINIA

vs.

CASSANDRA LAWSON ATKINS Et Als and 52,561 Acres of Land more or less in Rockingham County

On the Petition filed in the above cause by A. L. Moubry and J. F. Moubry.

This Cause came on to be again heard this 12 day of March, 1934, upon the papers formerly read and proceedings had, the exhibits filed and was argued by Counsel.

Upon consideration whereof, it appearing to the Court that A. L. Moubry and J. F. Moubry heretofore filed their Petition in the above entitled cause, wherein they asserted title to the tract or parcel of land No. 358 as it appears upon report of the Board of Appraisal Commissioners of Rockingham County, and it further appearing that by an order entered therein it has been decreed that A. L. Moubry and J. F. Moubry are the fee simple owners of the said tract of land, and that R. L. Moubry had no interest therein, and it appearing that the said tract of land by a judgment in rem has been condemned in the aforesaid Cause to the State Commission on Conservation and Development of the State of Virginia, upon the payment into the custody of the Court of $320.00 and it appearing to the Court that said sum of $320.00 had been deposited into the custody of the Court, and that the taxes for the three years last past were improperly and erroneously assessed, it is so ordered and decreed, and it is adjudged, ordered and decreed that the Clerk of this Court do transmit a certified copy of this order to the Treasurer of Virginia who shall pay the said sum of $320.00, the amount of said judgment in rem for the said condemnation of the said tract No. 358, to the said A. L. Moubry and J. F. Moubry as hereinbefore set forth, and it further appearing to the Court that tract No. 166, as it appears upon the plat and report of the said Board of Appraisal Commissioners for the County of Rockingham has been likewise condemned by a

judgment in rem in said cause whereby said Commission is invested with the title to the said lands, upon the payment by it into the custody of the Court of the sum of $523.00, and it further appearing to the Court that the said sum of $523.00 has been paid into the custody of the Court, it is accordingly ordered and decreed that the clerk of the Court shall certify this fact to the Treasurer of Virginia who shall pay said sum to the said A. L. Moubry and J. F. Moubry as hereinafter set forth.

And it appearing to the Court that the two tracts of land, namely, No. 358 and No. 166 constitute and compose the tract of 87 acres, known as the John Sipe Patent, and that there is due to M. H. Harrison, Treasurer of Rockingham County $5.63 taxes thereon for the year 1933, and that there is due to J. R. Switzer, Clerk of Rockingham County, the sum of $8.20 delinquent taxes for the year 1932, and that all other taxes which are assessable thereon have been paid, and it further appearing to the Court that the said two tracts of land are incumbered by a Deed of Trust executed thereon by A. L. Moubry and J. F. Moubry to George W. Shaver, Trustee, to secure to John E. Roller's Estate, George G. Grattan, Jr. and R. E. Cabell, Executors, the sum of $325.00, evidenced by four bonds, one in the sum of $125.00, another in the sum of $83.00, another in the sum of $84.00 and another in the sum of $83.00 executed by the said A. L. Moubry and J. F. Moubry to the said John E. Roller's Estate, George G. Grattan, Jr. and R. E. Cabell, Executors, dated October 16, 1929, and due and payable one, two, three and four years after date respectively, with interest thereon from date, and that interest on each of said bonds ~~have~~ has been paid until November 10, 1930, and that there is due unto the said John E. Roller's Estate, George G. Grattan, Jr. and R. E. Cabell, Executors, as of March 10, 1934, the sum of $450.00 and that the same is a lien upon the said sums coming to the said A. L. Moubry and J. F. Moubry, it is accordingly adjudged, ordered and decreed that the Treasurer of Virginia to pay out the said sums of $320.00 and $523.00 as follows, to-wit: (1) pay M. H. Harrison, Treasurer of Rockingham County, the sum of $5.63

taxes on said lands for the year 1933; (2) pay J. Robert Switzer, Clerk of Rockingham County, the sum of $8.20 Delinquent taxes on said land for the year 1932; (3) pay unto John E. Roller's estate, George G. Grattan, Jr. and R. E. Cabell, Executors, $450.00 principal and interest due on said bonds to said Estate as of March 10th, 1934, and (4) the remaining $379.17 he shall pay to the said A. L. Moubry and J. F. Moubry in full of the two awards aforesaid, which said several sums, when so paid, shall be in full of the judgments in rem for tract No. 358 and tract No. 166, taking from said parties receipts for the several amounts so paid to them and certifying such payments to this Court, and make appropriate entry thereof as required by Law.

Entered

20/137

3/12/34

(1)

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

THE STATE COMMISSION ON CONSERVATION AND DEVELOPMENT OF THE STATE OF VIRGINIA

vs.

CASSANDRA LAWSON ATKINS Et Als and 52,561 Acres of Land more or less in Rockingham County

A. L. MOUBRY AND J. F. MOUBRY

vs. On Petition filed in the above cause

R. L. MOUBRY

This Cause came on to be again heard this 12 day of March, 1934, upon the papers formerly read and proceedings had, The deed from John E. Roller's Executors etc. to A. L. Moubry and J. F. Moubry, the exhibits filed and was argued by Counsel.

Upon consideration whereof, it appearing to the Court that an order was entered in this Cause on January 3rd, 1934, directing process to issue against R. L. Moubry, returnable to rules, requiring him to show cause, if any he could, why the sum of $320.00 allowed in his name for tract No. 358 should not be paid unto A. L. Moubry and J. F. Moubry, and it appearing that process issued, January 3rd, 1934, from the Clerk's Office of this County in accordance with said order, and that the said process was executed January 5th, 1934, by W. E. Lucas, Deputy for C. R. Fawley, Sheriff of Rockingham County, by delivering a true copy of the said process to R. L. Moubry in person, and it further appearing that the said R. L. Moubry has failed to appear, plead or answer, the petition ~~was~~ taken ~~and~~ confessed and cause set for hearing, and was argued by Counsel.

Upon consideration whereof, it appearing to the Court that A. L. Moubry and J. F. Moubry are invested with the fee simple title to the tract No. 358 as it appears upon the report and the plat accompanying the same, of the Board of Appraisal Commission-

HAMMER & HAMMER
ATTORNEYS AND COUNSELORS AT LAW
HARRISONBURG, VA.

ers for Rockingham County, they having derived good title thereto by the conveyance aforesaid of J. E. Roller's Estate to the said Petitioners, the Court doth adjudge, order and decree that A. L. Moubry and J. F. Moubry are the owners in fee simple of the tract of land described in said Petition as tract No. 358 and the Court being further of opinion that the said R. L. Moubry has no interest therein, doth accordingly so adjudge, order and decree.

And all matters being ended this Petition is retired from the docket.

Ent Webb

20/136 3/12/34

STATE OF VIRGINIA,

COUNTY OF ROCKINGHAM, towit:

I, J. Robert Switzer, Clerk of the Circuit Court of Rockingham County do hereby certify that the records in my office do not show any delinquent taxes against the tract of 87 acres situate at PineyMount in Stonewall District, assessed in the name of A. L. and J. F. Moubray, EXCEPT for the tax year 1932, and which tax is $8.20.

Given under my hand this 6th day of February, 1934.

J. Robert Switzer

Clerk of the Circuit Court of Rockingham County, Virginia.

O. K.
Attorney

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M. H. HARRISON

TREASURER OF ROCKINGHAM COUNTY

HARRISONBURG, VIRGINIA

TO WHOM IT MAY CONCERN:

I hereby certify that the records of this office show that the taxes for the year 1933 amounting to $ 5.63, on a tract of 87-0-0 acres of land situate in Park Area in Stonewall District, Rockingham County, and assessed in the name of A. L. Mowbray and J. F. Mowbray, is unpaid.

All taxes prior to that time, if any be unpaid, are a matter of record in the Clerk's Office of said County.

Given under my hand this 6th day of March 1934.

M H Harrison

Treasurer.

INTHE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY, GREETING:

You are hereby commanded to summon R. L. Moubry to appear at the Clerk's Office of the Circuit Court of Rockingham County, Virginia, on the third Monday in January, to show cause, if any he can, why the sum of $320.00 allowed for Tract No. 358 in the report of the Board of Appraisal Commissioners in the case of The State Commission on Conservation and Development of the State of Virginia v. Cassandra Lawson Atkins, et als, etc., should not be paid unto A. L. and J. F. Moubry as prayed for in their petition filed in the said cause on January 3, 1934.

And this you shall in no wise omit under penalty of £100. And have them and there this Writ.

Witness, J. Robert Switzer, Clerk of our said Court, at the Court House thereof, in Harrisonburg, Virginia, this3d day of January, 1934, in the 158th year of the Commonwealth.

J. Robert Switzer, Clerk.

Executed Jan 5-34 by delivering a true Copy of the within Summons to R L Moubry and in person W L Lawson & J F Lawson & R Frauly & R L

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IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

The State Commission on Conservation and Development ~~of~~ the State of Virginia, Petitioner.

Vs.

Cassandra Lawson Atkins and 52,561 Acres of Land, More or Less, in Rockingham County, Virginia.

Upon the motion of A. L. Moubry and J. F. Moubry leave is granted them to file their petition in the above entitled cause and the same is accordingly filed.

And it appearing therefrom that the said A. L. Moubry and J. F. Moubry claim~~s~~ the fund of $320.00 arising from the condemnation of tract No. 358, and the fund of $523.00 arising from the condemnation of tract No. 166, and it also appearing from a petition filed in the Clerk's Office by R. L. Moubry that he is claiming $320.00 arising from the condemnation in the above entitled cause of tract No. 358, it is accordingly ordered on motion of A. L. and J. F. Moubry that process do issue against R. L. Moubry, returnable to rules, requiring him to show cause, if any he can, why the said sum of $320.00 allowed for tract No. 358 should not be paid unto the said A. L. and J. F. Moubry as prayed for in their said petition.

Ent 1/3/34
HWB

20/7m

HAMMER & HAMMER
ATTORNEYS AT LAW

1 orig. & 1 copy issued 1/3/34 to
2d Jan. Rules, 1934.

State of Virginia,

County of Rockingham, to-wit:

I, J. Robert Switzer, Clerk of the Circuit Court of Rockingham County do hereby certify that the records in my office do not show any delinquent taxes against the tract of land in Stonewall District, assessed in the name of R. L. Moubray.

Given under my hand this 20th day of December, 1933.

Clerk of the Circuit Court of
Rockingham County, Virginia

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M. H. HARRISON

TREASURER OF ROCKINGHAM COUNTY

HARRISONBURG, VIRGINIA

To Whom It May Concern:

I hereby certify that the records of my office show that the taxes assessed against a certain tract of 3-0-0 acres of land in the name of R. L. Moubray situate in Stonewall District, Rockingham County, for the years 1933, 1932 and 1931 amounting to $ 1.10, 1.39 and 1.99, respectively are unpaid.

All taxes prior to that time, if any be unpaid, are a matter of record in the Clerk's Office of said County.

Given under my hand this 20th day of December 1933.

M H Harrison
Treasurer of Rockingham County.

Memo - This assessment was made at the request of R. L. Moubray as preliminary to his filing a claim for the $320.00.
There was and is no deed to R L Moubray for any such tract of land and the assessment ought to be stricken off the records.

Chas A Harrison
Atty for R. L. and J. F. Moubray -

Returned by A. L. & J. F. Moubray

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. 358: 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. 358 $ 370; 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;

myself only

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:

none

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. ---------- $----------: 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)

his NAME	P. O. ADDRESS
R. L. Moubray	Elkton Va R. 4

STATE OF VIRGINIA, COUNTY OF ROCKINGHAM, to-wit:

This day personally appeared before me R. L. Moubray and made oath that the statements contained in the above petition so far as made on his own information are true and so far as made upon information of others he believes them to be true. Given under my hand this 20th day of December, 1933.

Harold Austin, Notary Public

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.

Mr Lawson Atkins

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IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

THE STATE COMMISSION ON CONSERVATION AND DEVELOPMENT IN THE STATE OF VIRGINIA, PETITIONER.

Vs

CASSANDRA Lawrence ATKINS et als AND 52,56½ ACRES OF LAND, MORE OR LESS IN ROCKINGHAM COUNTY.

The petition of A. L. Moubry and J. F. Moubry respectfully represents:

That by deed dated the 16th day or October, 1929, R. E. Cabell and George G. Grattan, Jr., Executors of John E. Roller, deceased, conveyed to your petitioners a tract of 87 acres, more or less, of land situated in what is known as Piney Gap in the Stonewall District in Rockingham County, as will more fully appear from a copy of the deed here filed, marked Exhibit "A", and prayed to be read as part hereof.

That the said John E. Roller in his life time derived said tract of land by deed from Chas. A. Hammer, Special Commissioner in the Chancery cause of Strother Moubry and others vs Polly Frazier and others, in which deed Burton Morris and Samantha Morris united.

That at one time about three acres of land within the boundaries of what was known as the John Sipe Patent, was orally sold to Semantha Morris, but no deed therefor was made. That at one time Burton Morris, the husband of Semantha Morris, and one R. L. Moubry conducted a still house upon the property, and that R. L. Moubry was permitted and continued to reside upon said land for a number of years, but he had no interest whatever in or to the said tract of land. That in the Chancery suit of Strother Moubry vs Polly Frazier &c instituted to the second February rules, 1905, the entire land including the three acres which Samantha

Morris had verbally agreed to purchase, but for which no deed was ever made was sold in said Chancery cause, and the said Samantha Morris bid in the entire tract of land, that thereafter she assigned and transferred her purchase to John E. Roller, who paid for the land, and that Chas. A. Hammer, Special Commissioner, under the orders of the Court, executed a deed to the said Roller, in which the said Samantha Morris and Burton Morris, her husband, united, conveying all of the said land to sail Roller, and is the same now shown in the report of the Board of Appraisal Commissioners and on the plat as No. 166 and No. 358, and which two parcels of land form one tract and belongs to petitioners in fee simple. Your petitioners would show unto the Court that the three acre Morris purchase through some error was appraised to R. L. Moubry, but at the hearing before the Board of Arbitration, composed of the Honorable Phillip Williams, Honorable H. W. Bertram, and Honorable John H. Alexander, The State Commission on Conservation and Development in the State of Virginia, realizing that the allowance to R. L. Moubry was erroneous and should have been to A. L. and J. F. Moubry, agreed that if petitioners, A. L. Moubry and J. F. Moubry withdrew their exceptions and consented to accept the $823.00 in full settlement of their claims, the two lots would be consolidated and treated as one which was accordingly done.

That on the 16th day of October, 1929, A. L. Moubry and Virginia H. Moubry, his wife, and J. F. Moubry and Arminta T. Moubry, his wife, conveyed the said land unto George W. Shaffer, Trustee, in trust to secure unto John E. Roller's Estate, George G. Grattan, Jr. and R. E. Cabell, Executors, four bonds: One in the sum of $125.00; one in the sum of $83.00; another in the sum of $84.00; and another in the sum of $83.00, payable four years after date, all bearing interest from date, and payable annually.

That these bonds are still due and petitioners owe the Estate of John E. Roller the sum of $375.00 with interest from October 16th, 1930, until paid. A copy of this deed of trust together with copies of the bonds secured thereby, are here filed and prayed to be read as parts hereof.

Your petitioners represent that a judgment in rem has heretofore been entered in the proceeding of The State Commission on Conservation and Development in the State of Virginia Vs Cassandra Atkins et als and 52,561 Acres of Land, More or Less, in Rockingham County, condemning the two tracts of land aforesaid and owned by petitioners, and which said tracts are described in the report of the Board of Appraisal Commissioners appointed herein, and are shown, numbered and delineated on the ownership map filed therewith upon payment into the custody of the Court of the sums set out in the said judgment as constituting the awards therefor, to - wit: Award on tract No. 166, containing 87 acres, more or less, $523.00; and tract No. 358, a parcel and part of the said lands conveyed to petitioners by John E. Roller's Executors as aforesaid and valued at $320.00; making a total valuation for the two tracts of $843.00.

Petitioners would show unto the Court that at a hearing before the Board of Arbitration, composed of the Honorable Phillip Williams, Honorable H. W. Bertram, and the Honorable John H. Alexander, the fact was discovered by the said Conservation Commission, that both tract No. 166 and 358 belong to A. L. and J. F. Moubry and not to R. L. Moubry, whereupon it was agreed that upon petitioners withdrawing their exceptions a judgment should go in petitioners' favor in the sum of $843.00 for the two tracts of No. 166 and No. 358, and thereupon petitioners withdrew their said exceptions.

Your petitioner avers that the said R. L. Moubry never did have, and has not now, any interest in the said land, but that he has filed a claim on tract 358 claiming the three acres which claim is spurious and he is not entitled to any portion of said funds. That no other person or persons than your petitioners A. L. and J. F. Moubry are entitled to share in the distribution of the said award or in the proceeds arising from the contents of the said lands except ~~in~~ the estate of John E. Roller, which is entitled to have part from the funds for the debt secured by the Deed of Trust filed in this cause.

Petitioner avers that there are no liens against your petitioners' interest other than the trust lien to the said Roller's Estate and that all taxes upon the said lands have been paid and that there are no delinquent taxes, all of which is shown by certificates of Treasurer and Clerk here filed and prayed to be read as parts hereof.

Wherefore your petitioners pray that they be admitted as parties herein under the provision of Section 21 of the Public Park Condemnation Act and that R. L. Moubry be made a defendant and be summoned to that an order may be entered herein with the payment of said awards and said sums to petitioners as the holders of the fee simple title of the said land, paying unto the estate of John E. Roller, deceased, the sum secured to it under the Deed of Trust aforesaid.

May process issue and petitioner will ever pray &c.

Herman Hammer
Atty

A. L. Moubry
J. F. Moubry
By counsel

STATE OF VIRGINIA
CITY OF HARRISONBURG, To-Wit:

I, Ethel Irwin Lineweaver, a Notary Public in and for the City of Harrisonburg, in the State of Virginia, do certify that A. C. Moubry, Agent for A. L. Moubry and J. F. Moubry, this day personally appeared before me in my said City and made oath that the statement of facts contained in the foregoing petition made upon his own

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ATTORNEYS AT LAW

knowledge is true and those made upon information derived from others, he believes to be true.

Given under my hand this 30th day of December, 1933.

Ethel Irwin Lineweaver
Notary Public.

HAMMER & HAMMER
ATTORNEYS AT LAW

*
125.00
83.00
84.00
83.00

375.00*

95(1)

COPY

$125.00 100 One year after date we or either of us promise and bind ourselves to pay to John E. Roller Estate, George G. Grattan, Jr., and R. E. Cabell, Executors ~~Order~~ One Hundred Twenty-five - - - - - - - - - - - DOLLARS for value received, bearing interest from date, payable annually, and hereby waive the benefit of the Homestead Exemption as to this debt. This bond is secured by deed of trust of even date herewith from A. L. and J. F. Moubray and Virginia H. Moubray & Arminta T. Moubray, George W. Shaver, to ~~GEO. G. GRATTAN, Jr.~~, Trustee,

Witness our hands and seals this 16th day of October, 1929

A. L. Moubray (Seal)

J. F. Moubray (Seal)

96 (1)

COPY

$83.00 100 Two years after date we or either of us promise and bind ourselves to pay to John E. Roller Estate, George G. Grattan, Jr., and R. E. Cabell, Executors, ~~Order~~ Eighty-three - - - - - - - - - - - - - - DOLLARS for value received, bearing interest from date, payable annually, and hereby waive the benefit of the Homestead Exemption as to this debt. This bond is secured by deed of trust of even date herewith from A. L. & J. F. Moubray and Virginia H. Moubray & Arminta T. Moubray George W. Shaver, to ~~GEO. G. GRATTAN~~, Trustee,

Witness our hands and seals this 16th day of October, 1929

A. L. Moubray (Seal)

J. F. Moubray (Seal)

96 (2)

COPY

$84.00 100 Three years after date we or either of us promise and bind ourselves to pay to John E. Roller Estate, George G. Grattan, Jr., and R. E. Cabell, Executors, ~~Order~~ Eighty-four - - - - - - - - - - - - - - DOLLARS for value received, bearing interest from date, payable annually, and hereby waive the benefit of the Homestead Exemption as to this debt. This bond is secured by deed of trust of even date herewith from A. L. and J. F. Moubray and Virginia H. Moubray & Arminta T. Moubray, George W. Shaver to ~~GEO. G. GRATTAN, Jr.~~, Trustee,

Witness our hands and seals this 16th day of October, 1929

A. L. Moubray (Seal)

J. F. Moubray (Seal)

96 (3)

COPY

$83.00 100 Four years after date we or either of us promise and bind ourselves to pay to John E. Roller Estate, George G. Grattan, Jr., and R. E. Cabell, Executors, ~~xxxxx~~ Eighty-three - - - - - - - - - - - - - DOLLARS for value received, bearing interest from date, payable annually, and hereby waive the benefit of the Homestead Exemption as to this debt. This bond is secured by deed of trust of even date herewith from A. L. and J. F. Moubray and Virginia H. Mundy & Arminta T. Moubray to George W. Shaver, ~~xxxxxxxxxxxxxx~~., Trustee,

Witness our hands and seals this 16th day of October, 1929

A. L. Moubray (Seal)

J. F. Moubray (Seal)

96 (4)

) Nov. 10, credit this bond by
rest paid to Oct. 16,1930.

30 Nov. 10, credit this bond by
terest paid to Oct. 16, 1930.

C O P Y DEED OF TRUST

THIS DEED made this the 16th day of October, 1929, by and between A. L. Moubray and Virginia H. Moubray, his wife, and J. F. Moubray and Arminta T. Moubray, his wife, parties of the first part and George W. Shaver, Trustee, party of the second part;

W I T N E S S E T H :

That the said parties of the first part for and in consideration of One Dollar cash in hand paid, and upon the trust hereinafter declared, do hereby grant and convey, with general warranty of title, unto the said party of the second part, all of that certain tract, piece or parcel of land, situate in the eastern portion of Rockingham County, in Stonewall District, Virginia, about two and one-half miles south of Elkton, known as the "Nevill Crawford," tract of land, containing Eighty-seven Acres, more or less, adjoining the Abner Lawson tract of land, and others, and being the same property which was conveyed these grantors by John E. Roller Estate, George G. Grattan, Jr., and R. E. Cabell, Executors, by deed of even date herewith, which deed is to be placed of record in the Clerk's Office of Rockingham County, Virginia, just before this deed;

Recorded in D. B. 146 Page 290.

EXHIBIT "DEED OF TRUST"

IN TRUST to secure four bonds of even date herewith, executed by the said A. L. Moubray and J. F. Moubray, payable to John E. Roller Estate, George G. Grattan, Jr., and R. E. Cabell Executors, one for the sum of One Hundred Twenty-five Dollars, ($125.00) payable one year after date, with interest from date, another for the sum of Eighty-three Dollars, ($83.00) payable two years after date, with interest from date payable annually, another for the sum of Eighty-four Dollars, ($84.00) payable three years after date, with interest from date payable annually, and the other for the sum of Eighty-three Dollars, ($83.00) payable four years after date, with interest from date payable annually, all

of said bonds are to be of equal dignity and secured alike upon the property herein conveyed.

It is understood and agreed between the parties hereto that, of there shall be any default in the payment of said bonds, or either of them, when due, or in the payment of any annual installment of interest thereon, or any failure to keep said property insured, then all of said bonds shall become due and payable, and the Trustee shall at the request of the beneficiaries, or either of them, their executors or assigns, proceed to execute this trust in pursuance of Section 5167 of the Code of Virginia, except in case of sale by said Trustee, he is to be allowed five per cent. commissions on the gross proceeds of sale.

WITNESS the following signatures and seals the day and year first above written.

A. L. MOUBRAY (SEAL).

VIRGINIA H. MOUBRAY (SEAL).

J. F. MOUBRAY (SEAL).

ARMINTA T. MOUBRAY (SEAL).

State of Virginia,
City of Roanoke, to-wot:

I J. E. Comer, a Notary Public in and for the State and County aforesaid, do hereby certify that A. L. Moubray and Virginia H. Moubray, his wife, and J. F. Moubray and Arminta T. Moubray, his wife, whose names are signed to the foregoing deed bearing date the 16th day of October, 1929, have personally appeared before me in my said County acknowledged same.

My commission expires the 6th day of June, 1932.
Given under my hand this the 15th day of March, 1930.

J. E. Conrad, N. P.

VIRGINIA: In the Clerk's Office of the Circuit Court of Rockingham County. The foregoing deed of Trust was this day presented in the office aforesaid, and is, together with the certificate of acknowledgment annexed, admitted to record this 25th day of March, 1930, 4:16 P. M.

Teste: J. Robert Switzer, Clerk.

Deed Book 146, Page 289 "Exhibit A."

THIS DEED made this the 16th day of October, 1929, by and between the Estate of John E. Roller, by George G. Grattan, Jr., and R. E. Cabell, Executors, parties of the first part, and A. L. Moubray and J. F. Moubray, parties of the second part; W I T N E S S E T H : That the said parties of the first part for and in consideration of Five Hundred Dollars, ($500.00) One Hundred Twenty-five Dollars, ($125.00) of which is cash in hand paid by the said parties of the second part, receipt whereof is hereby acknowledged, and for the residue of Three Hundred Seventy-five Dollars, ($375.00), the said parties of the second part have this day executed their four (4) bonds, payable to John E. Roller Estate, George G. Grattan Jr., and R. E. Cabell, Executors, one for the sum of One Hundred Twenty-five Dollars, ($125.00) payable one year after date, with interest from date, another for the sum of Eighty-three Dollars ($83.00) payable two years after date, with interest from date payable annually; another for the sum of Eighty-four Dollars, ($84.00) payable three years after date, with interest from date payable annually, and the other for the sum of Eighty-three Dollars, ($83.00) payable four years after date with interest from date payable annually, which said four bonds are to be secured by a deed of trust of even date herewith, executed by A. L. Moubray and J. F. Moubray to George W. Shaver, Trustee, upon the property hereinafter conveyed, which deed of trust is hereby made a part of this deed; they the said parties of the first part do hereby grant and convey, with special warranty of title, unto the said A. L. Moubray and J. F. Moubray, all of that certain tract, piece or parcel of land, situate in the eastern portion of Rockingham County, Stonewall District, Virginia, about two and one-half miles south of Elkton, known as the "Nevill Crawford,"

tract containing Eighty-seven Acres, more or less, adjoining the Abner Lawson tract, and others, and being the same property conveyed to John E. Roller by deed from Charles A. Hammer, Special Commissioner and Burton Morris and Samantha F. Morris, by deed of date April 1, 1910, duly of record in the Clerk's Office of Rockingham County Virginia, in Deed Book No. 90, page 372, to which deed reference is hereby made for more description of the property herein conveyed. WITNESS the following signatures and seals the day and year first above written.

George G. Grattan, Jr. (SEAL).

R. E. Cabell (SEAL).
Executors John E. Roller Estate.

State of Virginia,

City of Harrisonburg, to-wit:

I, Nan C. Liskey, a Notary Public in and for the State and City aforesaid, do hereby certify that George G. Grattan, Jr., and R. E. Cabell, Executors of John E. Roller Estate, whose names are signed to the foregoing deed bearing date the 16th day of October, 1929, have acknowledged the same before me in my City aforesaid. My commission expires the 14th day of May, 1932. Given under my hand this the 28th day of October, 1929.

Nan C. Liskey, N. P.

VIRGINIA: In the Clerk's Office of the Circuit Court of Rockingham County. The foregoing deed of BARGAIN AND 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 March 1930, 4:15 P. M.

Teste: J. Robert Switzer, Clerk.

A COPY

Atteste: Margaret Branum, Deputy Clerk.