

ROCKINGHAM COUNTY

NAME OF CLAIMANT

#207 - Sellers, E. B.

Number of Acres: 258

Location: One mile east of Island Ford on Two Mile Run.

Roads: One mile over county road to Island Ford.

Soil: Slope.

History of Tract and condition of timber: This tract of timber land has been culled and most of the chestnut oak has been peeled for bark. However, there is a stand of merchantable timber in the hollow on Two Mile Run, consisting of white oak, mixed oak and pine.

Improvements: NONE.

Acreage and value of types:

Types	Acreage		Value per acre	Total Value
Ridge:				
Slope: (burned)	171	@	\$3.00	\$513.00
" (Unburned)	87	@	5.00	435.00
Cove:				<u>\$948.00</u>

Grazing Land:

Fields Restocking:

Cultivated Land:

Orchard:

Minerals:

Value of Land: \$ 948.00

Value of Improvements: \$

1070.00

Value of Orchard: \$

Value of Minerals: \$

684.00

Value of Fruit: \$

\$2702.00

Value of Timber: \$ 1070.00

Value of Wood: \$ 684.00

Value per acre for tract: \$ 10.47

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

Geo. H. Pen CLERK.

Claim of E. B. Sellers
In the Circuit Court of Rockingham County, Virginia, No. _____, At Law.
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. E. B. Sellers vs. Two Hundred and sixty six acres and 2 Rods and 9.6 poles

more or less, of land in Rockingham County, Virginia, Defendants.
The undersigned, in answer to the petition of the State Commission on Conservation and Development of the State of Virginia, and in response to the notice of condemnation awarded upon the filing of said petition and published in accordance with the order of the Circuit Court of Rockingham County, Virginia, asks leave of the Court to file this as his answer to said petition and to said notice.

My name is E. B. Sellers
My post office address is Island Ford, Va

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 266 and 9/16 acres, on which there are the following buildings and improvements: Orchard of forty eight apple trees

This land is located about 1 miles from Island Ford Virginia, in the Stonewall Magisterial District of said County.

I claim the following right, title, estate or interest in the tract or parcel of land described above: (In this space claimant should say whether he is sole owner or joint owner, and if joint owner give names of the joint owners. If claimant is not sole or joint owner, he should set out exactly what right, title, estate or interest he has in or to the tract or parcel of land described above.)
Sole owner

The land owners adjacent to the above described tract or parcel of land are as follows:
North W. W. Sellers
South T. N. Sellers Estate
East William Lane
West West Harrison

I acquired my right, title, estate or interest to this property about the year 1918 in the following manner:
my purchase

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 10000.00. I claim that the total value of my right, title, estate or interest, in and to this tract or parcel of land with the improvements thereon is \$ 200.00

I am the owner of None acres of land adjoining the above described tract or parcel of land but lying outside the Park area, which I claim will be damaged by the proposed condemnation of lands within the Park area, to the extent of \$ None

(In the space below should be set out any additional statements or information as to this claim which claimant desires to make; and if practicable he should also insert here a description of the tract or parcel of land by metes and bounds).

Remarks: About 100 acres of the land is worth at least \$50.00 per acre. The other 166 acres is worth at least \$30.00 per acre. The one hundred acres being surplus land suitable for agriculture purposes or orchards (Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 3rd day of February, 1930.

STATE OF VIRGINIA, COUNTY OF Harrisonburg, To-wit: E. B. Sellers

The undersigned hereby certifies that E. B. Sellers the above named claimant personally appeared before him and made oath that the matters and things appearing in his above answer are true to the best of his knowledge and belief, this 3rd day of Feb., 1930.

C. L. Sanderson
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.

Filed in the Clerk's Office
Rockingham County, Va.
FEB 18 1930
Clerk

County: Rockingham
District: Stonewall

#207 - Sellers, E. B.

Acreage Claimed: 266 A-2 R.- Assessed: 266.90 A. Deed: 266.90 A
9.6 P. (1919)
Value Claimed: \$1000.00 Assessed: Deed: Deed of
Area: 258 A. partition

Location: One mile east of Island Ford on Two Mile Run.

Incumbrances, counter claims or laps:

Soil: Slope.

Roads: One mile over county road to Island Ford.

History of tract and condition of timber: This tract of timber land has been culled and most of the chestnut oak has been peeled for bark. However, there is a stand of merchantable timber in the hollow on Two Mile Run, consisting of white oak, mixed oak and pine estimated to cut 1250 bd. ft. per acre on an area of 171 acres, the unburned portion of the tract. The stumpage value is estimated @ \$8.00 per M.

Timber: 214,000 bd. ft. @ \$8.00 per M. --	\$1712.00
1,368 cords of fuelwood @ 50¢	
per cord ----	684.00
	<u>\$2396.00</u>

Improvements: None.

Value of land by types:

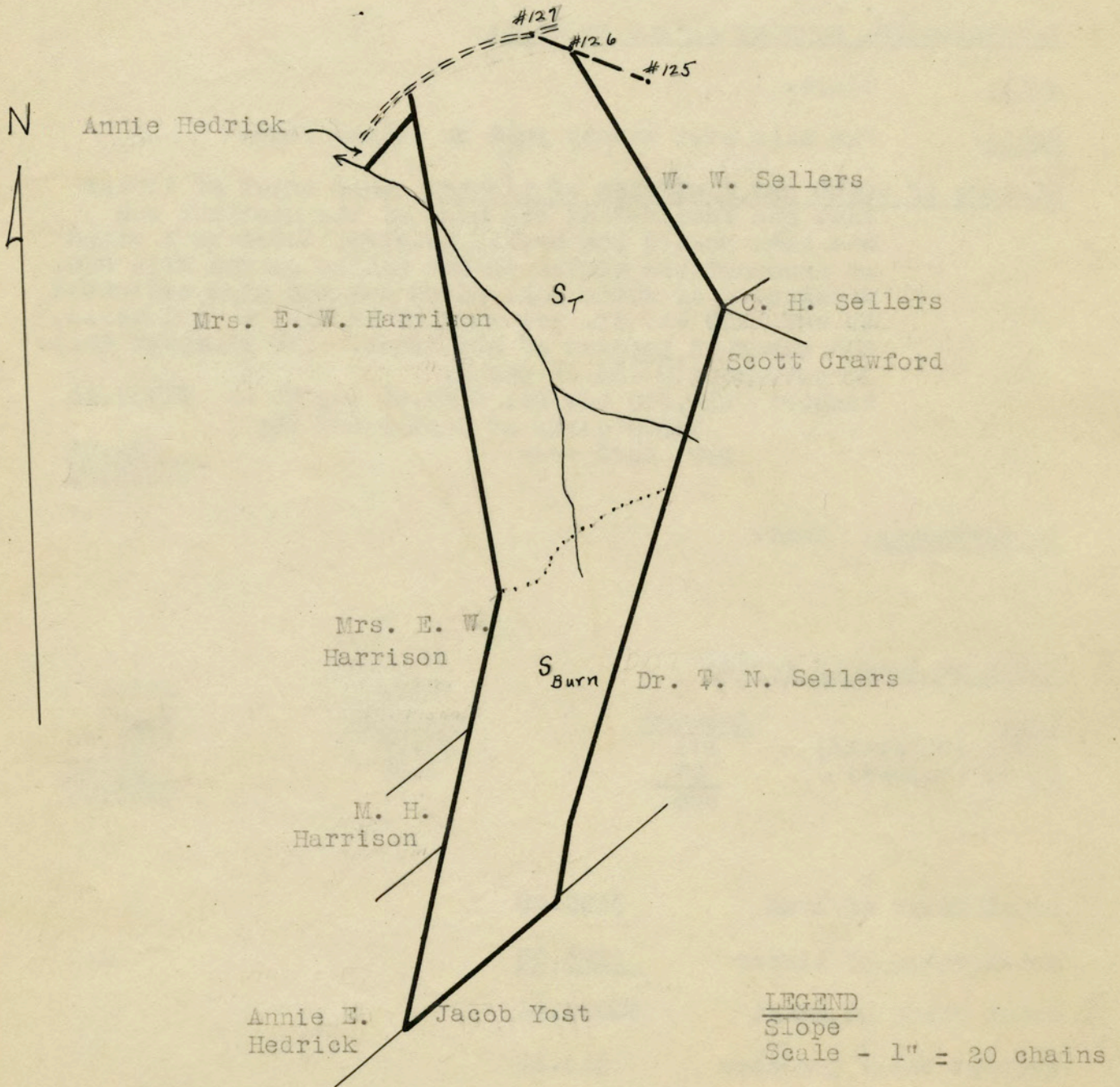
Type	Acreage	Value per acre	Total Value
Slope (unburned)	171	\$5.00	\$855.00
Slope (burned)	87	1.50	135.00
	<u>258</u>		<u>\$990.00</u>

Total value of land \$990.00

Total value of timber 2396.00

Total value of tract \$3386.00

Average value per acre \$13.12



IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

STATE COMMISSION ON CONSERVATION & DEVELOPMENT
FOR THE STATE OF VIRGINIA,

PETITIONER

v.

CASSANDRA LAWSON ATKINS and others,

RESPONDENTS

On this, the 20th day of December, 1933, came W. W. Sellers and Rockingham National Bank, executor of the last will of E. B. Sellers, and on their motion, leave is given them to file their application for the payment to them of the sum of \$5573.00, the amount of the award set out in the judgment of condemnation for tract No. 179, heretofore paid into court.

And it appearing from the report of the Board of Appraisal Commissioners heretofore filed in this cause, and in the petition for judgment and condemnation entered herein on the _____ day of November, 1933, that in the opinion of petitioner, the said W. W. Sellers and E. B. Sellers are invested with superior or better right or claim of title in and to the said tract of land No. 179, and that the record of this cause does not disclose any denial or dispute by any party or person in interest as to the title to the said tract No. 179, or to the proceeds arising from the condemnation thereof.

And it further appearing from the application of the said W. W. Sellers and Rockingham National Bank, Executor of E. B. Sellers, that the said W. W. Sellers and Rockingham National Bank, executor of E. B. Sellers, are entitled to receive the proceeds arising from the condemnation of said tract No. 179, of \$5573.00 in equal moities, and it further appearing to the court from the evidence adduced that all taxes due or exigible upon the land at the time the title thereto vested in the petitioner under the judgment of condemnation as aforesaid, have been paid, it is considered and ordered by the court that the said sum of \$5573.00 paid into court by petitioner, the State Commission on Conservation & Development of the State of Virginia, as just compensation for tract No. 179, be paid in equal moities unto the said W. W. Sellers and the Rockingham National Bank, Executor of E. B. Sellers, deceased, viz., to W. W. Sellers the sum of \$2786.50, and to Rockingham National Bank, Executor of E. B. Sellers, deceased, \$2786.50; and that the Clerk of this Court do transmit forthwith a certified copy of this order to the Treasurer of Virginia, who shall make payment of said \$5573.00

as aforesaid, ~~having from said clerk and the applicants~~
appropriate receipts therefor and outlaying such

20/5/34

(over)

1933

M. SELLERS E.B. & W.W.

COMMONWEALTH OF VIRGINIA
STONEWALL DISTRICT

No. _____

ELKTON, Virginia

To M. H. HARRISON, Treasurer
Rockingham County, Harrisonburg, Virginia

STATE TAXES AND LOCAL LEVIES—1933

PERSONAL PROPERTY		LOCAL RATES:			
Page	Line	Real Estate and Tangible Personal Property	Machinery and Tools	Merchant's Capital	
	INCOME	County Levy.....	\$.35	\$.35	\$
		County School Levy..	.70	.70	.50
Page	Line				
	LAND				
Page	Line				
45	8	Total.....	\$1.05	\$1.05	\$.50

FOR STATE TAXATION ONLY	Value	State Rate on \$100	State Taxes
State Capitation Tax.....		1.50	\$
Bonds, Notes and Other Evidences of Debt.....		.50	
Money.....		.20	
Moneyed Capital in Competition with National Banks.....		1.00	
Capital Not Otherwise Taxed.....		.75	
Income: 1 1/2% on first \$3,000; 2 1/4% on next \$2,000; 3% on excess over \$5,000			
TOTAL STATE TAXES			\$

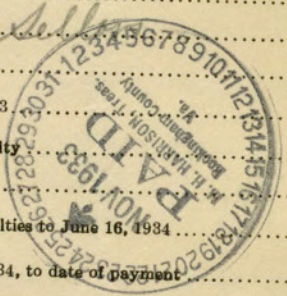
FOR LOCAL TAXATION ONLY	Value	Local Rate on \$100	Local Levies
Tangible Personal Property.....		1.05	\$
Machinery and Tools.....		1.05	
Merchants' Capital.....		.50	
Real Estate 203-0-0 Acres.....	2430	1.05	25 51
Real Estate..... Acres		1.05	
Real Estate..... Acres		1.05	
Real Estate..... Acres		1.05	
Real Estate..... Acres		1.05	
Real Estate..... Acres		1.05	
TOTAL LOCAL LEVIES			\$ 25 51

CREDITS		
Date	Account	Amount
Nov 17/33	Gr 1/2 Rent	\$ 12 75
		\$
		\$
		\$
		\$

State Taxes Brought Forward.....	\$	25 51
Total State and Local Levies.....	\$	12 75
By Mrs. E. B. Sellers		12 75
5% Penalty December 6, 1933.....	\$	
Total Taxes, Levies and Penalty.....	\$	
5% Penalty June 16, 1934.....	\$	
Total Taxes, Levies and Penalties to June 16, 1934.....	\$	
6% Interest from June 16, 1934, to date of payment.....	\$	
Total Taxes, Levies, Penalties and Interest.....	\$	

RECEIVED PAYMENT: _____ 19__

M. H. HARRISON, Treasurer By _____



As a part of the court's order...

with payments to the clerk of court...

John

John

Tract # 179

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

PETITIONER

v.

CASSANDRA LAWSON ATKINS and others,

RESPONDENTS.

The petitioner, the State Commissioner on Conservation & Development of the State of Virginia, having heretofore paid into court the sum of \$5573.00, the amount of the award set out in the judgment of condemnation for Tract No. 179, the undersigned, W. W. Sellers, and Rockingham National Bank, of Harrisonburg, Virginia Executor of E. B. Sellers, hereby apply to the court for an order of judgment for distribution of said fund of \$5573.00 in equal moities to the undersigned on the ground that it appears from thereport of the Board of Appraisal Commissioners heretofore filed and the said petition for judgment and condemnation, that W. W. Sellers and E. B. Sellers are invested with superior or better right or claim of title in and to the said tract of land No. 179, and therefore to the proceeds arising from the condemnation thereof, and are entitled to receive the proceeds arising from the exappropriation of Tract 179.

The undersigned further aver that since the filing of the report of the Board of Appraisal Commissioners as aforesaid in this cause, that E. B. Sellers has departed this life having first made and published his last will and testament bearing date the 16th day of January, 1932, whereby he appointed Rockingham National Bank of Harrisonburg, Virginia, executor and trustee thereof, and said will was duly admitted to probate in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, on the 30th day of January, 1932, and the said executor named therein, the Rockingham National Bank, duly qualified as such executor, taking the oath prescribed by law and entering into and acknowledging a bond in the penalty of \$15,000.00, an attested copy of which will is hereby filed marked "Exhibit "E. B. Sellers will" and prayed to betaken and read as a part hereof.

The undersigned further aver that the said E. B. Sellers, by his said last will and testament, provided as follows:

"Should there become payable or to be paid subsequent to my death, a fund or funds from condemnation of any of my real estate in proceedings instituted in my lifetime, such sum or sums shall be received by my executor, and held in trust and disposed

under the provisions of Paragraph Third of this will".

The undersigned further aver that the said sum of \$5573.00 is now payable from the condemnation of real estate in proceedings instituted in the lifetime of E. B. Sellers; that the said E. B. Sellers has departed this life as aforesaid, and that the said sum of \$5573.00 shall be paid in equal moities, viz., \$2786.50 to the undersigned, W. W. Sellers, and \$2786.50 to the undersigned, the Rockingham National Bank, executor of E. B. Sellers, deceased.

The undersigned further aver that the record in this suit does not disclose any denial or dispute by any party or person in interest as to the title to said tract No. 179, or to the proceeds arising from the condemnation thereof; that the said statements in the petition of condemnation as to the title of the undersigned are true, and that the undersigned has title in fee simple and unencumbered to said tract No. 179, and are entitled to be paid the said sum of \$5573.00 in equal moities, and pray that the court will order and direct the payment of said sum of \$2786.50 to the undersigned, W. W. Sellers, and \$2786.50 to the Rockingham National Bank, executor of E. B. Sellers.

The undersigned further aver that all taxes payable or exigible upon said tract No. 179 have been paid.

Wm J. Harris
att'y for applicants

W. W. Sellers
The ROCKINGHAM NATIONAL BANK OF HARRISONBURG,
Harrisonburg Virginia
By C. A. Mason
Trust Officer.

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

I, Pauline L. Hulvey, a notary public in and for the City of Harrisonburg, State of Virginia, do certify that on this the 18th day of December, 1933, personally appeared before me in mysaid city, W. W. Sellers, and made oath that the statements set out in the foregoing petition are true, and I further certify that on said date the said Rockingham National Bank of Harrisonburg, Harrisonburg, Va., by C. A. Mason, its trust officer, personally appeared before me in my said city and made oath that he verily believes the statements set out in the foregoing petition are true. My commission expires the 20th day of October, 1935. Given under my hand this 18th day of December, 1933.

Pauline L. Hulvey
Notary public.

Ex. "E. B. Sellers Will"

I, Edgar Brown Sellers, of Rockingham County, Virginia, do hereby make and declare this to be my last will and testament, hereby revoking all other wills by me at any time made.

FIRST: I desire all my just debts to be paid, if I shall owe any at my death.

SECOND: I give all my household property, farm equipment, live stock, and any and all other chattel property, absolutely, to my wife, Mary Julia Sellers.

THIRD: All the rest and residue of my personal estate shall be held invested by my Executor, hereinafter named as Trustee hereunder, for and during the life of my said wife, and the net income therefrom paid to her annually, and, upon her death the same shall be reduced to cash and equally divided (subject, however, to a charge of Nine Hundred Dollars (\$900.00) against the share of Edgar Brown Sellers, Junior, amount heretofore advanced by me to him), between my two children, Edgar Brown Sellers, Junior, and Mauzy Napoleon Sellers, share and share alike, the issue of either child if then deceased to take what the parent, if living, would have received; and, if either of my said two children predecease my wife, dying without issue, then his share shall pass to the survivor of my said two children.

Said Trustee shall receive, hold, manage, sell, invest and re-invest this trust estate, and every part thereof, under the provisions hereof, and similarly collect, recover and receive the issues, interest, income and profit thereof; is authorized and empowered to retain all of the property and securities so received in the form in which they shall be delivered to it, without liability for decrease in the value of such property or securities, or, convert the same, and reinvest in other property or securities, in its absolute discretion.

FOURTH: I give and devise all of my real estate to my said wife, for and during her natural life, with remainder in fee to my said two children, Edgar Brown Sellers, Junior, and Mauzy Napoleon Sellers, subject, however, to the following provision relating to the tract of two

hundred and eight acres, more or less, known as the "Home Place," situate in Rockingham County, Virginia, and upon which I now reside, namely, that upon the death of my said wife, my son, Mauzy Napoleon Sellers, shall have the right to become, and by compliance herewith shall by operation of this will become, the sole fee simple owner of said "Home Place" at a valuation of Seven Thousand Dollars (\$7000.00), if he so elects, by making payment to my said Executor on or before six months after the date of the death of my said wife, of one-half of said sum, or Three Thousand, Five Hundred Dollars (\$3,500.00), together with interest thereon at 6% from the date of the death of my said wife to the date of payment, such payment to be for the account of Edgar Brown Sellers, Junior, and be disbursed by said Executor to him, his personal representative or assigns.

FIFTH: Should there become payable, or be paid, subsequent to my death, a fund or funds from condemnation of any of my real estate in proceedings instituted in my lifetime, such sum or sums shall be received by my Executor, and held invested and disposed of under the provisions of paragraph "THIRD" of this will.

SIXTH: I appoint The Rockingham National Bank of Harrisonburg, at Harrisonburg, Virginia, Executor of this my will.

Signed and sealed as and for my last will and testament, without interlineation or erasure, at Harrisonburg, Virginia, this 16th day of January, 1932.

E. B. Sellers (SEAL)

Signed, published and declared,

as and for his last will and testa-

ment, by the testator, Edgar Brown

Sellers, in our presence together,

and we in his presence, and in the

presence of each other, and at his

request, have hereunto set our hands

as attesting witnesses, this
16th day of January, 1932.

S. D. Myers

C. H. Mauzy

In the Clerk's Office of the Circuit Court of Rockingham
County, January 30, 1932.

A writing purporting to be the last will and testament of
Edgar Brown Sellers, deceased, was this day presented in the office
aforesaid and was fully proven by the oaths of S. D. Myers and C. H.
Mauzy, the subscribing witnesses thereto, and the tax on same having
been paid on an estate reported at \$22,000.00, said writing is ad-
mitted to record as the true last will and testatement of Edgar Brown
Sellers, deceased. The Rockingham National Bank of Harrisonburg,
named in said will as Executor and Trustee, thereupon appeared by C.
A. Mason, its duly authorized trust officer, and the said C. A. Mason
for and on behalf of said bank qualified as such Executor and Trustee
by taking and subscribing the oath prescribed by law, and entered into
and acknowledged bond in the penalty of Fifteen Thousand Dollars
(\$15,000.00) conditioned and payable as provided by law and certifi-
cate is granted said Executor for obtaining a probate of said will in
due form. The following appraisers are appointed for said estate, any
three of whom may act after ~~xxxxx~~being first duly sworn and who shall
make report according to law, viz. M. H. Harrison, T. L. Yancey, Jr.
E. S. Ashby, M. H. Harrison, Jr. and A. R. Ruff.

Atteste:

J. Robert Switzer
Clerk.

STATE OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

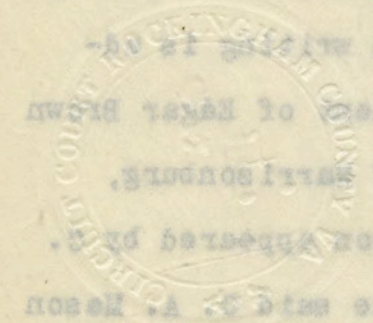
as attesting witnesses, this
15th day of January, 1933.

I, J. Robert Switzer, Clerk of the Circuit Court
of Rockingham County, Virginia, the same being a Court of Record
do hereby certify that the foregoing is a true copy of the will
of Edgar Brown Sellers, dated January 16, 1932, and admitted to
probate in the Clerk's Office, January 30, 1932, as the same
appears of record in Will Book 12, at page 32, in my office as
clerk aforesaid.

In Testimony Whereof I have hereunto set my hand
and affixed the seal of my said Court at Harrisonburg, this
15th day of December 1933.

J. Robert Switzer

Clerk of the Circuit Court of Rock-
ingham County, Virginia.



Edgar Brown Sellers, deceased, was this day presented in the office
aforesaid by the estate of S. B. Myers and C. H.
Myers, the surviving witnesses thereto, and the tax on same having
been paid in full at \$25,000.00, said writing is va-
lidity to record as the true last will and testament of Edgar Brown
Sellers, deceased. The Rockingham National Bank of Harrisonburg,
named in said will as Executor and Trustee, thereupon appeared by
A. Mason, its duly authorized first officer, and the said A. Mason
for and on behalf of said bank qualified as such Executor and Trustee
by taking and subscribing the oath prescribed by law, and entered into
and acknowledged bond in the penalty of Fifteen Thousand Dollars
(\$15,000.00) conditioned and payable as provided by law and certified
into said said Executor for obtaining a probate of said will in
due form. The following appraisers are appointed for said estate, any
three of whom may act after executing their duty sworn and who shall
make report according to law, viz. M. H. Harrison, Jr., J. L. Yancy, Jr.,
E. S. Ashby, M. H. Harrison, Jr. and A. R. Burt.

Attest:

J. Robert Switzer
Clerk.