

NAME OF CLAIMANT

#244 - Hinkle, J. W.

Number of Acres: 5

Location: Top of the Blue Ridge, lying in both Rockingham and Greene Counties, and entirely within the Park area.

Roads: Nine miles over fair dirt road to Yancey, the nearest shipping point.

Soil: See other side for soil information.

History of Tract and condition of timber: The wooded area has been cut over at various times and there is no merchantable timber. Most of the stand is under 8" DBH. with occasional trees up to 12" DBH. The southern part was severely burned in the spring of 1930 and the balance has been burned in the past year.

Improvements: None.

Acreage and value of types:

Types	Acreage		Value per acre	Total Value
Ridge:				
Slope: --	5	@	\$3.00	\$15.00

Cove:

Grazing Land:

Fields Restocking:

Cultivated Land:

Orchard:

Minerals:

Value of Land: \$ 15.00

Value of Improvements: \$

Value of Orchard: \$

Value of Minerals: \$

Value of Fruit: \$

Value of Timber: \$

Value of Wood: \$

Value per acre for tract: \$ 3.00

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

Geo. N. Jones CLERK

Claim of J. W. Hinkle
In the Circuit Court of Rockingham County, Virginia, No. 1829, At Law.
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. Cassandra Lawson Atkins et al

52.561 acs
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 J. W. Hinkle
My post office address is McGaheysville, Virginia.

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 141 acres, on which there are the following buildings and improvements: No Buildings
The property is enclosed by a barb wire fence

This land is located about 10 miles from McGaheysville, 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 Mrs. Mary Hinkle
South Big Survey
East J. C. Armstrong
West Big Survey

I acquired my right, title, estate or interest to this property about the year 1913 in the following manner:
By purchase from Bernard Shifflett and wife

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 4230.00. 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 \$ 4230.00.

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: I graze from 25 to 48 steers on the said premises each year. I estimate an average each year of 35 steers, which yield me 200 lbs for each steer grazed on the said land, and furthermore, I estimate that the said yield will amount in dollars & cents @.06 per lb \$ 420.00 (Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 12th day of January 1931, 1930

STATE OF VIRGINIA, COUNTY OF Rockingham, To-wit:

The undersigned hereby certifies that J. W. Hinkle 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 12 day of January 1931, 1930

[Signature]
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.

The 14 acres contained in it be subtracted from this tract

7/17/31

County: Rockingham
 District: Stonewall

#244 - Hinkle, J.W.

* Acreage Claimed: 141 Assessed: 141 Deed: 141
 * Value Claimed: \$4230.00 Assessed: \$270.00 Deed: \$500.00 in
 AREA: 5 A. 1913

Location: South of Simmons Gap on top of the Blue Ridge.

Incumbrances, counter claims or laps: Entire tract lies partly
 in Greene and partly in Rockingham Counties. The
 area covered by this report is that part of the tract
 lying in Rockingham County which is not lapped by the
 large John A. Alexander tract.

Soil: Sandy loam of fair depth and fertility.

Roads: Nine miles over fair dirt road to Yancey, the near-
 est shipping point.

History of tract and condition of timber: The wooded area has
 been cut over at various times and there is no mer-
 chantable timber. Most of the stand is under 8"
 DBH. with occasional trees up to 12" DBH.

Improvements: None.

Value of land by types:

<u>Type:</u>	<u>Acreage:</u>	<u>Value per acre</u>	<u>Total Value</u>
Slope	5	\$2.50	\$12.50

Total value of land: \$12.50

Total value of tract: \$12.50

Average value per acre: \$2.50

* Includes entire tract.

#244 - J. W. Hinkle - - - - (Rockingham County)
 #326-III.- J. W. Hinkle - Lap on
 J. A. Alexander - (Rockingham County)
 #151 - J. W. Hinkle - - - - (Greene County)
 #136-I - J. W. Hinkle - Lap on
 J. A. Alexander (Greene County)

SUMMARY BY COUNTIES

	<u>Total Area</u>	<u>Total Value</u>
Rockingham	76	\$452.00
Greene	65	403.00
	<u>141</u>	<u>\$855.00 - - - - \$855.00</u>

SUMMARY BY PARCELS

		<u>Area:</u>	<u>Value</u>
#244 - Rockingham:	- - -	5	\$12.50
#326-III.- Rockingham:	- - -	71	439.50
#151 - Greene:	- - -	9	83.50
#136-I - Greene:	- - -	56	319.50
		<u>141</u>	<u>\$855.00 - - - \$855.00</u>

SUMMARY BY TYPES:

<u>Types:</u>	<u>Acreage:</u>	<u>Value per acre</u>	<u>Total value</u>
Slope	32	\$2.50	\$80.00
Slope(burned)	78	1.50	117.00
Fg.I	11	30.00	330.00
Fg.II	10	15.00	150.00
Fg.II	9	17.00	153.00
Fc.	1	25.00	25.00
	<u>141</u>		<u>\$855.00 - - \$855.00</u>

Total value of land: - - - - - \$855.00

Total number of acres - - - - - 141 A.

Average value per acre for entire tract: \$6.06

#244 - J. W. Hinkle - - - - (Rockingham)

✓ #326-III.- J. W. Hinkle - Lap on
J. A. Alexander - - (Rockingham)

#151 - J. W. Hinkle - - - - (Greene)

#136-I - J. W. Hinkle - Lap on
J. A. Alexander - - (Greene)

SUMMARY BY COUNTIES

	<u>Total Area</u>	<u>Total Value</u>
Rockingham	76	\$452.00
Greene	65	403.00
	<u>141</u>	<u>\$855.00 - - - - \$855.00</u>

SUMMARY BY PARCELS

	<u>Area:</u>	<u>Value:</u>
#244 - Rockingham: - - -	5	\$12.50
✓ #326-III.- Rockingham: - - -	71	439.50
#151 - Greene: - - -	9	83.50
#136-I - Greene: - - -	56	319.50
	<u>141</u>	<u>\$855.00 - - - - \$855.00</u>

SUMMARY BY TYPES:

<u>Types:</u>	<u>Acreage:</u>	<u>Value per acre</u>	<u>Total value</u>
Slope	32	\$2.50	\$80.00
Slope(burned)	78	1.50	117.00
Fg.I	11	30.00	330.00
Fg.II	10	15.00	150.00
Fg.II	9	17.00	153.00
Fc.	1	25.00	25.00
	<u>141</u>		<u>\$855.00 - - - - \$855.00</u>

Total value of land: - - - - - \$855.00

Total number of acres: - - - - - 141 A.

Average value per acre for entire tract: \$6.06

HINKLE, J. W.
#151-I
GREENE COUNTY

IN RE. ARBITRATION AGREEMENTS submitted to the Governor arising in or out of Condemnation Proceedings pending in the Circuit Court of Virginia under authority of the Shenandoah National Park Act.

SUMMARY STATEMENT OF PETITIONER:

EXCEPTANT: Hinkle, J. W.

ORIGINAL CLAIM: Acreage 65 : Value \$4,250.00 : Inc. Damages, None

VALUE PLACED ON TRACT BY PETITIONER'S APPRAISERS:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
151-I	\$403.00	None

BOARD OF APPRAISAL COMMISSIONERS FINDINGS:

MAP NUMBER OF TRACT: 151-I

VALUE OF TRACT:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
151-I	\$480.00	None

Copies of this statement are attached to the statement of Petitioner filed in the County in which the major portion of the land lies and in which this exceptant has filed this statement.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

vs.

Cassandra Lawson Atkins
and others
and 52,501 acres in Rockingham.

The affidavit of Chas H. Burke, to be read in
connection with the motion filed by J.W.Hinkle to have the find-
ings of the Board of Appraisal Commissioners disapproved in
connection with its finding No. 244.

State of Virginia,
county of Rockingham
City of ~~Harrisonburg~~, to-wit:

This day Chas H. Burke personally ap-
peared before me, P. B. F. Good, a Notary Public in and for
the City sforesaid, in the State of Virginia, and, being duly
sworn, deposes and says:

I am well acquainted with the grazing farm of J.W.Hinkle
situate on the Blue Ridge Mountains in Rockingham and Greene
Counties, and have often been upon the same. I have seen the
cattle grazing upon the lands, and have seen them after they were
taken therefrom in the fall of the year. From the knowledge and
experience that I have had in connection with grazing and handling
of cattle, I am certain that said grazing lands will graze 35
head of cattle each and every year, and that these cattle will
each put on an average of 200 pounds or more per year. I con-
sider the value of approximately \$8.00 per acre placed on these
lands by the Board of Appraisal Commissioners to be insignificant,
and not at all in line with the real value of said property.

Subscribed and sworn to before (Signed) Chas H Burke
me this 22nd day of September, 1932.

(Signed) P. B. F. Good
Notary Public.

In the Circuit Court of Rockingham County, Virginia.

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

v.

Cassandra Lawson Atkins and others
and 52,561 acres, more or less, in
Rockingham County, Virginia.

Statement made by J.W.Hinkle pursuant to a decree entered
in the above entitled cause on October 25, 1932, in response to
Item No. 2 of the inquiry made in said decree.

Your respondent says that the 71 acres listed in the report
of the Appraisal Board under its No.326-III as the J.A.Alexander
Lap on J.W.Hinkle is erroneous in that said 71 acres is in fact
the property of your respondent and said property should have been
listed under Respondent's No.244. A plat showing the entire tract
of land is herewith filed, marked " Ex.Plat", and the same is prayed
to be read as a part hereof, and *that amount allowed for
this land is confiscatory*

(Signed) J W Hinkle
By Counsel.

Geo.S.Harnsberger,
Counsel.

Claim of J. M. Humble
In the Circuit Court of Rockingham County, Virginia, No. 1129, At Law.
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. Cassada Lawson & Sons, & C
52,561 acs.

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 J. M. Humble
My post office address is McFayesville, 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 141 acres, on which there are the following buildings and improvements: no buildings
This property is enclosed by a
back wire fence.

This land is located about 10 miles from McFayesville Virginia, in the Howell 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 Mrs. Mary Kiehl
South Big Susany
East J. P. Munking
West Big Susany

I acquired my right, title, estate or interest to this property about the year 1913 in the following manner:
By purchase from Bernard
St. Plett & Co.

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 4230. 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 \$ 4230.

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 \$ 4230.00

(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: I give \$4.25 tolls & taxes on
the said premises each year. I will
pay an average each year of 35 Hogs, which
yield me 200 pounds for each year
on the said land, and I will make
that up in cash to meet my tax
and other expenses.
(Continue remarks if necessary on the back)

Witness my signature (or my name and mark attached hereto) this 2 day of Jan., 1930. (Signed) J. M. Humble

STATE OF VIRGINIA, COUNTY OF Rockingham, To-wit:

The undersigned hereby certifies that J. M. Humble
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 12 day of January, 1930.

(Signed) P. B. F. Good N. P.
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.

Law Office of
Geo. S. Harnsberger
Harrisonburg, Va.

J. M. Kimple

IN THE CIRCUIT COURT OF ~~GREENE~~ ^{Rockingham} COUNTY, VIRGINIA.

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

VS.

~~S.E. Armentrout and others and 34,127 acres, more or less, in Greene County, Virginia.~~

Cassandra Lawson Atkins and others and 52,501 Acres in Rockingham County, Va.

The affidavit of R M Burke, to be read in connection with the motion filed by J.W.Hinkle to have the findings of the Board of Appraisal Commissioners disapproved in connection with its finding No. ~~244~~ 244

State of Virginia,
County of Rockingham
~~City of Harrisonburg~~, to-wit:

This day R.M. Burke personally appeared before me, ~~P. Flavia Converse~~ P.B.F. Good, a Notary Public in and for the ~~City~~ County aforesaid, in the State of Virginia, and, being duly sworn, deposes and says:

I am well acquainted with the grazing farm of J.W.Hinkle situate on the blue Ridge Mountains in Rockingham and Greene Counties, and have often been upon the same. I have seen the cattle grazing upon the lands, and have seen them after they were taken therefrom in the fall of the year. From the knowledge and experience that I have had in connection with grazing and handling of cattle, I am certain that said grazing lands will graze 35 head of cattle each and every year, and that these cattle will each put on an average of 200 pounds or more per year. I consider the value of approximately \$6.00 per acre placed on these lands by the Board of Appraisal Commissioners to be insignificant, and not at all in line with the real value of said property.

Subscribed and sworn to R.M. Burke

before me this 21st day of September, 1932.

P.B.F. Good
Notary Public.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

vs.

Cassandra Lawson Atkins and others and 52,501 acres in Rockingham.

The affidavit of Chas H. Burke, to be read in connection with the motion filed by J.W.Hinkle to have the findings of the Board of Appraisal Commissioners disapproved in connection with its finding No. 244.

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

This day Chas H Burke personally appeared before me, P.B.F. Good, a Notary Public in and for the City aforesaid, in the State of Virginia, and, being duly sworn, deposes and says:

I am well acquainted with the grazing farm of J.W.Hinkle situate on the Blue Ridge Mountains in Rockingham and Greene Counties, and have often been upon the same. I have seen the cattle grazing upon the lands, and have seen them after they were taken therefrom in the fall of the year. From the knowledge and experience that I have had in connection with grazing and handling of cattle, I am certain that said grazing lands will graze 35 head of cattle each and every year, and that these cattle will each put on an average of 200 pounds or more per year. I consider the value of approximately \$8.00 per acre placed on these lands by the Board of Appraisal Commissioners to be insignificant, and not at all in line with the real value of said property.

Chas H. Burke

Subscribed and sworn to before me this 22nd day of September, 1932.

P.B.F. Good, Notary Public.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

vs.

Cassandra Lawson Atkins and others and 52,501 acres in Rockingham County.

Filed in the Clerk's Office Rockingham County, Va. SEP 24 1932 Robert Sauter Clerk

TO THE HON. H.W.BERTRAM, JUDGE OF SAID COURT.

The motion of J.W.Hinkle, praying said Court to disapprove and to decline to accept the findings of the Board of Appraisal Commissioners, heretofore appointed by said Court in the above matter, wherein the said Board reported, under No. 244 of its findings as filed in the Clerk's Office of said Court, that moveant is only entitled to five acres of land in Rockingham County, and that this five acres is appraised at \$3.00 an acre, or \$15.00.

The grounds of said motion are as follows:

- (1) That the Board of Appraisal Commissioners erred in not reporting as the property of moveant the 71 acres of land listed under their No. 326-III entitled J.A.Alexander Lap on J.W.Hinkle.
(2) That the price per acre allowed for said five acres of land and also the price for the 71 acres of land are extremely inadequate and confiscatory, as more fully appears from the affidavits attached hereto.
(3) That the findings of said Board were based upon a mistake of law as to the nature and effect of the evidence produced before said Board by moveant.
(4) That the finding of said Board is, apparently, from the statements contained in its report, based upon the physical character of the land alone, without taking into consideration, nor at least without giving any effect in its final decision to, the income-producing character of said land or to the fact that all

such grazing lands on the Blue Ridge Mountains are being taken under these condemnation proceedings, and that like grazing lands cannot be purchased now for any such amount as allowed to the said moveant, all of which will more readily appear from the affidavits attached hereto.

All of said affidavits are asked to be read in support of these exceptions.

J. H. Hinkle,
By Counsel.

GEO. S. HARNSBERGER,
Counsel.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

vs.

Cassandra Lawson Atkins and others and
52,501 acres of land in Rockingham County.

The affidavit of J.W.Hinkle, to be read in connection with
the motion filed by him to have the finding of the Board of Ap-
praisal Commissioners disapproved in connection with its finding
No. 244.

State of Virginia,

City of Harrisonburg, to-wit:

J.W.Hinkle this day personally appeared before me, F.
Flavia Converse, a Notary Public in and for the City aforesaid,
in the State of Virginia, in my City aforesaid, and, being duly
sworn, deposes and says:

I am the owner of 141 acres of grazing land situate upon
the crest of the Blue Ridge Mountains in the Counties of Rockingham
and Greene, on the head-waters of One Mile Run and Two Mile Run,
about $1\frac{1}{2}$ miles south of Simmons Gap Road, 76 acres of which land
lies in the County of Rockingham and 65 acres in the County of
Greene, which lands, together, constitute one grazing farm, and
are used as such.

The 141 acres of land above referred to will graze 35
head of cattle for six months during each and every year, and these
35 cattle will put on an average of at least 200 pounds, each,
during that period. The aggregate number of pounds thus put on
would be 7,000. A very conservative average price would be six
cents per pound, which would make the income from the grazing each
year \$420.00. This amount is equivalent to the income at six per
cent. on \$7,000.00. The average worth per acre would thus be ap-

proximately \$49.00, as against an average of about \$8.00 per acre allowed by the Commission on all of the lands here involved. The land above referred to has actually grazed the number of cattle above specified, and I know that the cattle will put on, year in and year out, at least the weight above specified, and have put on more. That portion of the above tract of 141 acres situate in Rockingham is of approximately the same value as that in Greene, as the character and value of the lands, so far as grazing is concerned, are about the same in both Counties.

I am the owner of three farms situate in Stonewall District, Rockingham County, one containing 150 acres, another containing 97 acres, and another containing 90 acres. The grazing lands above referred to, or some other grazing lands equally as good, are absolutely indispensable to me in the operation of my farms, because it is absolutely necessary in the proper operation of said farms to supply extra grazing lands where the cattle can be kept during the summer, in order that I may have cattle to consume the roughness on the farms during the winter. These farms have to be cultivated, and are not, technically, grazing lands, and are of too fertile a nature to be used for that purpose. Now, due to the fact that these condemnation proceedings contemplate the taking of all grazing lands of any value on the Blue Ridge Mountains, it will not be possible for me to acquire further grazing lands in the vicinity of the above described mountain property or accessible to my farms. The grazing lands in question cannot be replaced anywhere in this section of Virginia for the sum above stated, that is, \$49.00 per acre. When I filed my claim in this matter, I attempted to value these lands at what I would be willing to take for them, provided I could replace these properties with other grazing lands, and felt that \$30.00 an acre would be a fair price for the properties under such conditions, but, as I now find that all such grazing lands in this section are being taken in these proceedings, I think I should have a higher price in order

that I might be in a better position to replace these properties.

The Board of Appraisal Commissioners erred in listing 71 acres of this land under their finding No. 326-III as belonging to J.A.Alexander. This land has been in my possession and under fence for about twenty years, and there has been no dispute over any boundary line, nor have I ever heard of any dispute over any boundary line between my predecessors and any one else.

As the aforesaid land being condemned in this cause is indispensable to the profitable operation of my other farms, the same is not for sale, and I hereby ask that this land be omitted from the contemplated Park area, and that in the establishment of said Park proper provision be made for the exclusion of these lands, and that there be provided a right of way thereto over such adjacent lands as the Commission may see fit to condemn.

All of the foregoing information was given the Board of Appraisal Commissioners, but, if I am to judge by their findings, it was not considered.

Subscribed and ^{affirmed} ~~sworn~~ to J. M. Hinkle
before me this 19th day of September,
1932.

L. Flavia Converse,
Notary Public.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

vs.

Cassandra Lawson Atkins
and others
and 52,501 acres in Rockingham.

The affidavit of B. S. Shufflett, to be read in
connection with the motion filed by J.W.Hinkle to have the find-
ings of the Board of Appraisal Commissioners disapproved in
connection with its finding No. 244.

State of Virginia,
County of Rockingham
City of ~~Harrisonburg~~, to-wit:

This day B. S. Shufflett personally ap-
peared before me, A. E. Bryant, a Notary Public in and for
the ~~City~~ ^{county} aforesaid, in the State of Virginia, and, being duly
sworn, deposes and says:

I am well acquainted with the grazing farm of J.W.Hinkle
situate on the Blue Ridge Mountains in Rockingham and Greene
Counties, and have often been upon the same. I have seen the
cattle grazing upon the lands, and have seen them after they were
taken therefrom in the fall of the year. From the knowledge and
experience that I have had in connection with grazing and handling
of cattle, I am certain that said grazing lands will graze 35
head of cattle each and every year, and that these cattle will
each put on an average of 200 pounds or more per year. I con-
sider the value of approximately \$8.00 per acre placed on these
lands by the Board of Appraisal Commissioners to be insignificant,
and not at all in line with the real value of said property.

Subscribed and sworn to before B. S. Shufflett
me this 20 day of September, 1932.

A. E. Bryant
Notary Public.

In the Circuit Court of Rockingham County, Virginia.

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

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

v.

NOV 4 1932

Cassandra Lawson Atkins and others
and 52,561 acres, more or less, in
Rockingham County, Virginia.

J. Robert Luntz Clerk

Statement made by J.W.Hinkle pursuant to a decree entered
in the above entitled cause on October 25, 1932, in response to
Item No.2 of the inquiry made in said decree.

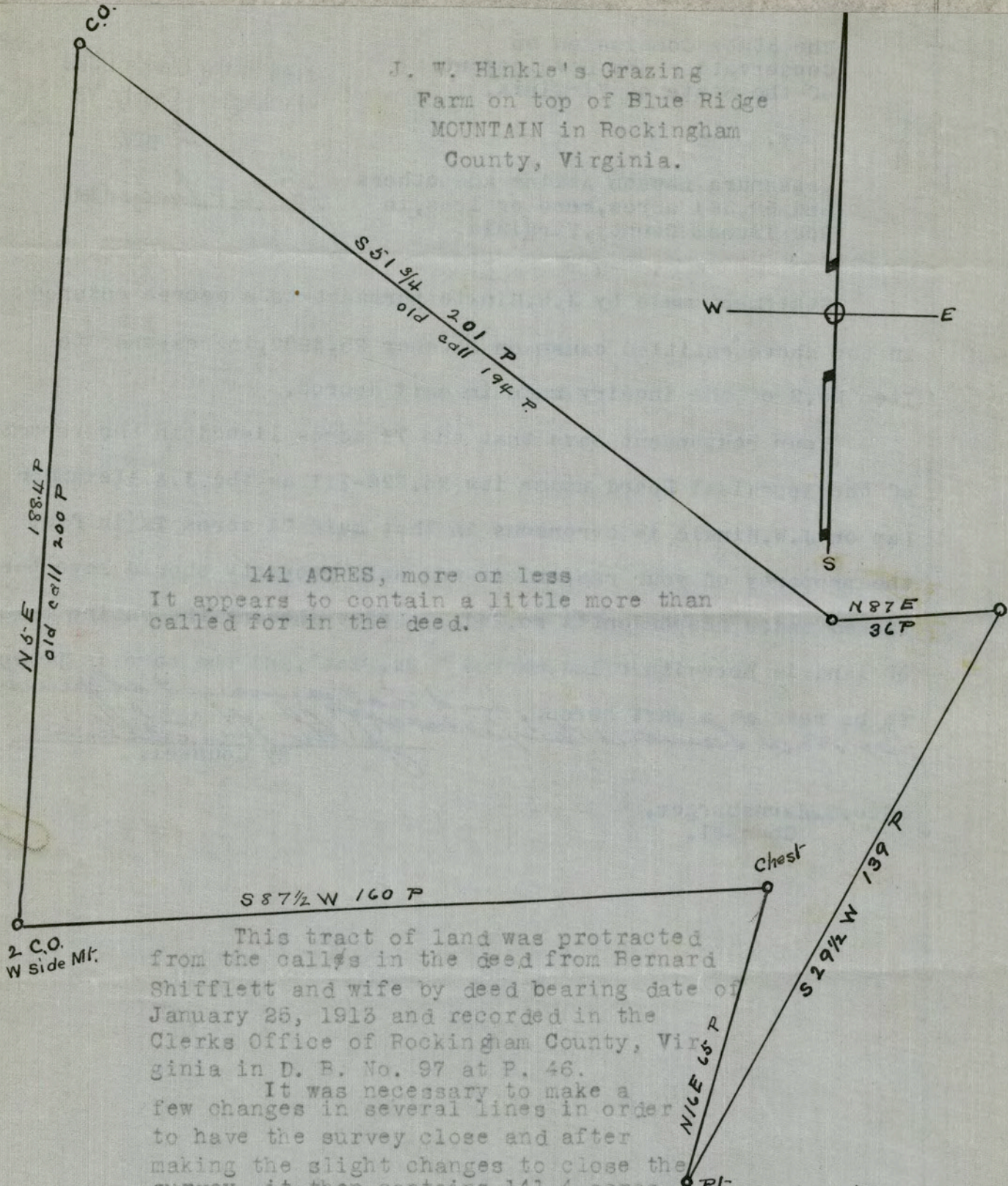
Your respondent says that the 71 acres listed in the report
of the Appraisal Board under its No.326-III as the J.A.Alexander
Lap on J.W.Hinkle is erroneous in that said 71 acres is in fact
the property of your respondent and said property should have been
listed under Respondent's No.244. A plat showing the entire tract
of land is herewith filed, marked " Ex.Plat", and the same is prayed
to be read as a part hereof.

*and that amount alleged
for this land is compensated by the State*

[Signature]
By Counsel.

Geo.S.Harnsberger,
Counsel.

J. W. Hinkle's Grazing
Farm on top of Blue Ridge
MOUNTAIN in Rockingham
County, Virginia.



141 ACRES, more or less
It appears to contain a little more than
called for in the deed.

2 C.O.
W Side Mt.

This tract of land was protracted
from the calls in the deed from Bernard
Shifflett and wife by deed bearing date of
January 26, 1913 and recorded in the
Clerks Office of Rockingham County, Vir-
ginia in D. B. No. 97 at P. 46.

It was necessary to make a
few changes in several lines in order
to have the survey close and after
making the slight changes to close the
survey, it then contains 141.4 acres.

Scale one inch equal 30 P

October 28, 1932.

P. B. F. Good,
Surveyor Rockingham County.

PI-
in Armstrong's
Line

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

vs.

Cassandra Lawson Atkins and
others, and 52,501 acres of
land in Rockingham County.

In re exceptions of J. H. Munkle

To the Hon. Philip Williams, Chairman of the
Park Land Arbitration Board.

In reply to your letter and call of August 8, 1933, beg
to say that copies of the papers heretofore filed in the above
matter are herewith handed you, and a like copy has been delivered
to the State Commission on Conservation and Development, with the
exception of a copy of the claim which Mr. Marsh of the Commission
said they did not need.

Further answering your calls in their order:

(1) The grounds of exception are fully set forth in the ex-
ceptions filed. Suffice it to say here that the basis of the ex-
ception is the extremely inadequate and confiscatory value placed
upon the lands of exceptant; these lands are not property segre-
gated as to quality or value. The amount allowed per acre for ex-
ceptant's land is not only not the fair value of said land under
normal conditions, under which conditions said land must be valued,
but is grossly inadequate and confiscatory in view of the fact that
it is the purpose of the Conservation Commission to take all such
grazing lands upon the Blue Ridge Mountain.

(2) The number of this claim on the county ownership map filed
in these proceedings is 244

(3) The authority of counsel to act in these proceedings is
attached hereto.

Respectfully submitted,

GEO. S. HARNBERGER,
Att'y.

Law Office of
Geo. S. Harnsberger
Harrisonburg, Va.

OK
Alv

Aug. 12, 1933.

To The Hon. Philip Williams, Chairman of the
Park Land Arbitration Board;

This is to certify that I, J. W. Hinkle, have employed Geo. S. Harnsberger, Attorney, of Harrisonburg, Virginia, to represent me in all condemnation proceedings in connection with my lands in the Shenandoah National Park area.

J. W. Hinkle

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

vs.

Cassandra Lawson Atkins and others
and 52,501 acres in
Rockingham County.

TO THE HON. H.W.BERTRAM, JUDGE OF SAID COURT.

The motion of J.W.Hinkle, praying said Court to disapprove and to decline to accept the findings of the Board of Appraisal Commissioners, heretofore appointed by said Court in the above matter, wherein the said Board reported, under No. 244 of its findings as filed in the Clerk's Office of said Court, that moveant is only entitled to five acres of land in Rockingham County, and that this five acres is appraised at \$3.00 an acre, or \$15.00.

The grounds of said motion are as follows:

- (1) That the Board of Appraisal Commissioners erred in not reporting as the property of moveant the 71 acres of land listed under their No. 326-III entitled J.A.Alexander Lap on J.W.Hinkle.
- (2) That the price per acre allowed for said five acres of land and also the price for the 71 acres of land are extremely inadequate and confiscatory, as more fully appears from the affidavits attached hereto.
- (3) That the findings of said Board were based upon a mistake of law as to the nature and effect of the evidence produced before said Board by moveant.
- (4) That the finding of said Board is, apparently, from the statements contained in its report, based upon the physical character of the land alone, without taking into consideration, or at

least without giving any effect in its final decision to, the income-producing character of said land or to the fact that all such grazing lands on the Blue Ridge Mountains are being taken under these condemnation proceedings, and that like grazing lands cannot be purchased now for any such amount as allowed to the said moveant, all of which will more readily appear from the affidavits attached hereto.

All of said affidavits are asked to be read in support of these exceptions.

(Signed) J. W. Hinkle,
By Counsel.

(Signed) Geo. S. Harnsberger,
Counsel.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

vs.

Cassandra Lawson Atkins
and others
and 52,501 acres in Rockingham.

The affidavit of B. S. Shifflett, to be read in
connection with the motion filed by J.W.Hinkle to have the find-
ings of the Board of Appraisal Commissioners disapproved in
connection with its finding No. 244.

State of Virginia,
county of Rockingham
City of ~~Harrisonburg~~, to-wit:

This day B. S. Shifflett personally ap-
peared before me, ^{A. E. Wyant}~~F. Flavia Converse~~, a Notary Public in and for
the ^{county}~~City~~ aforesaid, in the State of Virginia, and, being duly
sworn, deposes and says:

I am well acquainted with the grazing farm of J.W.Hinkle
situate on the Blue Ridge Mountains in Rockingham and Greene
Counties, and have often been upon the same. I have seen the
cattle grazing upon the lands, and have seen them after they were
taken therefrom in the fall of the year. From the knowledge and
experience that I have had in connection with grazing and handling
of cattle, I am certain that said grazing lands will graze 35
head of cattle each and every year, and that these cattle will
each put on an average of 200 pounds or more per year. I con-
sider the value of approximately \$8.00 per acre placed on these
lands by the Board of Appraisal Commissioners to be insignificant,
and not at all in line with the real value of said property.

(Signed) B Shifflett
Subscribed and sworn to before
me this 20 day of September, 1932.

(Signed) A. E. Wyant
Notary Public.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

vs.

Cassandra Lawson Atkins and others and
52,501 acres of land in Rockingham County.

The affidavit of J.W.Hinkle, to be read in connection with
the motion filed by him to have the finding of the Board of Ap-
praisal Commissioners disapproved in connection with its finding
No. 244.

State of Virginia,

City of Harrisonburg, to-wit:

J.W.Hinkle this day personally appeared before me, F.
Flavia Converse, a Notary Public in and for the City aforesaid,
in the State of Virginia, in my City aforesaid, and, being duly
sworn, deposes and says:

I am the owner of 141 acres of grazing land situate upon
the crest of the Blue Ridge Mountains in the Counties of Rockingham
and Greene, on the head-waters of One Mile Run and Two Mile Run,
about $1\frac{1}{4}$ miles south of Simmons Gap Road, 76 acres of which land
lies in the County of Rockingham and 65 acres in the County of
Greene, which lands, together, constitute one grazing farm, and
are used as such.

The 141 acres of land above referred to will graze 35
head of cattle for six months during each and every year, and these
35 cattle will put on an average of at least 200 pounds, each,
during that period. The aggregate number of pounds thus put on
would be 7,000.00. A very conservative average price would be six
cents per pound, which would make the income from the grazing each
year \$420.00. This amount is equivalent to the income at six per
cent. on \$7,000.00. The average worth per acre would thus be ap-

proximately \$49.00, as against an average of about \$8.00 per acre allowed by the Commission on all of the lands here involved. The land above referred to has actually grazed the number of cattle above specified, and I know that the cattle will put on, year in and year out, at least the weight above specified, and have put on more. That portion of the above tract of 141 acres situate in Rockingham is of approximately the same value as that in Greene, as the character and value of the lands, so far as grazing is concerned, are about the same in both Counties.

I am the owner of three farms situate in Stonewall District, Rockingham County, one containing 150 acres, another containing 97 acres, and another containing 90 acres. The grazing lands above referred to, or some other grazing lands equally as good, are absolutely indispensable to me in the operation of my farms, because it is absolutely necessary in the proper operation of said farms to supply extra grazing lands where the cattle can be kept during the summer, in order that I may have cattle to consume the roughness on the farms during the winter. These farms have to be cultivated, and are not, technically, grazing lands, and are of too fertile a nature to be used for that purpose. Now, due to the fact that these condemnation proceedings contemplate the taking of all grazing lands of any value on the Blue Ridge Mountains, it will not be possible for me to acquire further grazing lands in the vicinity of the above described mountain property or accessible to my farms. The grazing lands in question cannot be replaced anywhere in this section of Virginia for the sum above stated, that is, \$49.00 per acre. When I filed my claim in this matter, I attempted to value these lands at what I would be willing to take for them, provided I could replace these properties with other grazing lands, and felt that \$30.00 an acre would be a fair price for the properties under such conditions, but, as I now find that all such grazing lands in this section are being taken in

these proceedings, I think I should have a higher price in order that I might be in a better position to replace these properties.

The Board of Appraisal Commissioners erred in listing 71 acres of this land under their finding No. 326-III as belonging to J.A. Alexander. This land has been in my possession and under fence for about twenty years, and there has been no dispute over any boundary line, nor have I ever heard of any dispute over any boundary line between my predecessors and any one else.

As the aforesaid land being condemned in this cause is indispensable to the profitable operation of my other farms, the same is not for sale, and I hereby ask that this land be omitted from the contemplated Park area, and that in the establishment of said Park proper provision be made for the exclusion of these lands, and that there be provided a right of way thereto over such adjacent lands as the Commission may see fit to condemn.

All of the foregoing information was given the Board of Appraisal Commissioners, but, if I am to judge by their findings, it was not considered.

(Signed) J. W. Hinkle

Subscribed and ^{affirmed} ~~sworn~~ to

before me this 19th day of September,
1932.

(Signed) L. Flavia Converse,
Notary Public.

IN THE CIRCUIT COURT OF Rockingham
~~#####~~ COUNTY, VIRGINIA.

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

vs.

~~S. E. Armentrout and others and
34,127 acres, more or less, in
Greene County, Virginia.~~

Cassandra Lawson Atkins and
others and 52,501 Acres in
Rockingham County, Va.

The affidavit of R M Burke, to be read
in connection with the motion filed by J.W.Hinkle to have the
findings of the Board of Appraisal Commissioners disapproved in
connection with its finding No. ~~#####~~ 244

State of Virginia
County of Rockingham
~~City of Harrisonburg~~, to-wit:

This day R. M. Burke personally appeared
before me, F. Flavia Converse, a Notary Public in and for the
County
~~City~~ aforesaid, in the State of Virginia, and, being duly sworn,
deposes and says:

I am well acquainted with the grazing farm of J.W.Hinkle
situate on the blue Ridge Mountains in Rockingham and Greene
Counties, and have often been upon the same. I have seen the
cattle grazing upon the lands, and have seen them after they were
taken therefrom in the fall of the year. From the knowledge and
experience that I have had in connection with grazing and handling
of cattle, I am certain that said grazing lands will graze 35
head of cattle each and every year, and that these cattle will
each put on an average of 200 pounds or more per year. I con-
sider the value of approximately \$8.00 per acre placed on these
lands by the Board of Appraisal Commissioners to be insignificant,
and not at all in line with the real value of said property.

(Signed) R. M. Burke
Subscribed and sworn to

before me this 21st day of September, 1932.

(Signed) F. Flavia Converse
Notary Public.

No. 244
326-III

RETURN IN FIVE DAYS TO
J. ROBERT SWITZER, CLERK
Circuit Court of Rockingham County
HARRISONBURG · VIRGINIA

STATEMENT

OF

)

Geo. S. Harnsberger, p.q.

J. W. HINKLE

Filed 8/28/33

STATEMENT OF COSTS, POSTAGE, ETC.:

In re Arbitration Agreements submitted to the Governor, arising in or out of the condemnation proceedings pending in the Circuit Courts of Virginia under authority of the Shenandoah National Park Act.

State Commission on Conservation and Development of the State of Virginia

v.

Cassandra Lawson Atkins and others and 52,501 acres of land in Rockingham County.

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

AUG 28 1933

Robert Lutz Clerk

In re exceptions of J.W.Hinkle.

To the Hon. Philip Williams, Chairman of the Park Land Arbitration Board.

In reply to the rules issued by said Arbitration Board on August 16, 1933, and in reply to your call therein made, the undersigned begs to say:

(a) As Your Honors have decided that the cases will be heard in the County where the greater portion of the land lies, this case will be heard in Rockingham, rather than in Greene, and thus the numbers for the several tracts of land in both Counties will be given. The number of the five acre tract in Rockingham County, listed in the name of the undersigned, is 244. The number of a 71 acre tract in Rockingham County, listed as an overlap on the lands of the undersigned by the lands of J.A.Alexander, is 326-III. The number of the 65 acre tract in Greene County, listed in the name of the undersigned, is 511-I.

The undersigned is informed by Mr. Marsh of the Conservation Commission that those interested in the J.A.Alexander land are not claiming any overlap on the land of the undersigned, and that, therefore, no question from that angle in regard to the title of the undersigned will be raised.

(b) The acreage claimed in the entire tract of land located in

both Rockingham and Greene is 141.

(c) This tract of land, for the purposes of valuation, according to the rules laid down by Your Honors, should be segregated as follows:

60 acres of grazing land @ \$40.00 per acre,	\$2,400.00
40½ acres of slope land @ \$5.00 per acre,	202.50
"" " " " " @ \$3.00 per acre,	<u>121.50</u>
	\$2,724.00

The Appraisal Board erred in reporting 110 acres of said land as slope land, and also erred in reporting the value of the slope land, namely, 60 acres @ \$3.00, and 50 acres @ \$2.00. That said Appraisal Board further erred in only listing 31 acres of said land as grazing land. It should have listed 60 acres, as above set forth. And Appraisal Board further erred in placing an average value of about \$28.00 per acre on the 31 acres, when it should have placed a value of at least \$40.00 per acre thereon. It is believed and averred by the undersigned that the evidence will show that the above statement, as made by the undersigned, is in accord with the facts both as to the character of the land and as to its value.

In addition to the value of the land, as above determined, exceptant claims that an additional sum should be allowed him because he needs said grazing lands in the farming operations in which he is engaged; that said lands are not for sale; and because the Conservation Commission in these proceedings is endeavoring to take, and is asking that it be allowed to take, all of the grazing lands on the Blue Ridge Mountains, and such lands could not be replaced for the value of the land as hereinabove determined. Exceptant believes and avers that this land could not be replaced for less than \$25.00 per acre in addition to the above valuation, and he is very doubtful whether it can be replaced at

that figure, because the grazing lands of the character now under consideration are very scarce and hard to acquire outside of the Blue Ridge area. Exceptant believes and avers that he is entitled, as a matter of just compensation, to the fair, full, and exact equivalent of the land that is being taken from him, and that he should be left in as good a financial condition after the land is taken as he is now.

J. W. Hinkle

State of Virginia,

City of Harrisonburg, to-wit:

This day J.W.Hinkle personally appeared before me, F.Flavia Converse, a Notary Public in and for the City aforesaid, in the State of Virginia, in my City aforesaid, and, being duly affirmed, deposes and says:

I have read the above statement, and believe the statements of facts contained therein to be true.

J. W. Hinkle

affirmed

Subscribed and ~~sworn~~ to before me this 28th day of August, 1933.

F. Flavia Converse
Notary Public.

HINKLE, J. W.
244, 326-III
ROCKINGHAM COUNTY

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

SEP 9 1933

Robert Switzer Clerk

IN RE: ARBITRATION AGREEMENTS submitted to the Governor arising in or out of Condemnation Proceedings pending in the Circuit Court of Virginia under authority of the Shenandoah National Park Act.

SUMMARY STATEMENT OF PETITIONER:

EXCEPTANT: Hinkle, J. W.

ORIGINAL CLAIM: Acreage 141 : Value \$4230: Inc. Damages, None.

VALUE PLACED ON TRACT BY PETITIONER'S APPRAISERS:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
244	\$12.50	None
326-III	439.50	None

BOARD OF APPRAISAL COMMISSIONERS FINDINGS:

MAP NUMBER OF TRACT: 244, 326-III.

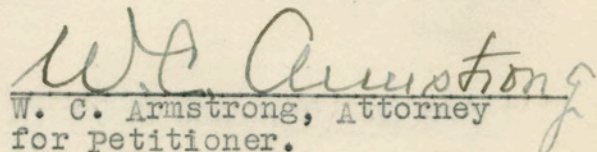
VALUE OF TRACT:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
244	\$15.00	None
326-III	645.00	None

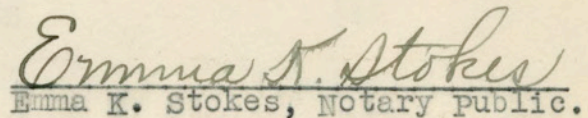
The basic differences between petitioner and this exceptant are as to the classification and value of the land.

Although we believe the values reported by the petitioner's appraisers were very liberal and that the findings of the Board of Appraisal Commissioners as to values are substantially too high, we have accepted and will not seek a lower valuation than their findings as shown on the above tables in this case.

As to the classification of the land and the other elements of value we submit that these matters are correctly set forth in the Work Sheets of the Board with reference to this case, and not as set forth in exceptant's statements. These Work Sheets are filed with the record and a copy of these Work Sheets are submitted with copy of the record tendered herewith, and additional copies of the Work Sheets in this case will be furnished if desired.


W. C. Armstrong, Attorney
for petitioner.

Subscribed to and verified before me this the 8th day of September,
1933.


Emma K. Stokes, Notary public.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

Petitioner,

vs.

At Law No.1829.

Cassandra Lawson Atkins and others,
and 52,561 acres of land, more or less,
in Rockingham County, Virginia,

Defendants.

On this, the 7th day of August, 1934, came J.W.Hinkle,
by counsel, and on his motion leave is given him to file his ap-
plication for the payment to him of the following sums:

(1) The sum of \$15.00, the same being the amount awarded him
by the Board of Appraisal Commissioners, as set out in the judg-
ment of condemnation of Tract No. 244, which tract formerly stood
in the name of J.W.Hinkle, the amount thereof having been hereto-
fore paid into court;

(2) The sum of \$645.00, the same being the amount awarded him
by the Board of Appraisal Commissioners, as set out in the judg-
ment of condemnation of Tract No. 326-III, which tract formerly
stood in the name of J.W.Hinkle, the amount thereof having been
heretofore paid into court.

And it appearing to the Court from the report of the Board
of Appraisal Commissioners, heretofore filed in this cause, and in
the petition for judgment of condemnation heretofore entered
herein, that, in the opinion of the petitioner, the said J.W.
Hinkle was invested with a better right or claim of title in and
to the said Tract No. 244 than any other person, and that the
record in this cause does not disclose any denial or dispute by
any party or person in interest as to the title to said Tract No.
244 or to the proceeds arising from the condemnation thereof, and
that the said J.W.Hinkle is entitled to receive the proceeds
arising from the condemnation of said Tract No. 244, and it further

appearing to the Court from the report of the Board of Appraisal Commissioners, heretofore filed in this cause, and in the petition for judgment of condemnation heretofore entered herein, that, in the opinion of the petitioner the land of the said J.W.Hinkle listed as Tract No. 326-III was an overlap on the J.A.Alexander or Mount Vernon tract of land, and that the title of the said J.W.Hinkle to said tract of land or to the proceeds arising therefrom was thereby clouded;

And it further appearing to the Court from the petition of J.W.Hinkle and accompanying exhibits filed in this cause that J.W.Hinkle has procured the waiver of any claim that the several judgment creditors of J.A.Alexander might have against the said Tract No. 326-III, and that the said J.W.Hinkle is now entitled to the amount awarded by the Board of Appraisal Commissioners for said Tract No. 326-III, and that no other person or persons are entitled thereto;

And it further appearing to the Court that all taxes against said tracts have been paid:

Upon consideration whereof, it is considered and ordered by the Court that the said sum of \$15.00 for said Tract No. 244 and the said sum of \$645.00 for said Tract No.326-III, the same being the amounts awarded J.W.Hinkle by the Board of Appraisal Commissioners for said Tract No. 244 and said Tract No. 326-III, paid into court by the petitioner as just compensation for said tracts, be paid to Geo.S.Harnsberger, attorney for said J.W.Hinkle, and the Clerk of this Court is directed to transmit a certified copy of this order to the Treasurer of Virginia, who shall pay unto the said Geo.S.Harnsberger, attorney for J.W.Hinkle, the said sum of \$15.00 for Tract No. 244 and the said sum of \$645.00 for Tract No. 326-III, the amount of the said awards set out in the judgment of condemnation for said tracts of land above designated,

taking from the said George S. Harnsberger, attorney for said J.W. Hinkle, receipts therefor and certifying such payment to the Clerk of this Court for appropriate entry thereof, as required by law.

Ent
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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.

At Law No. 1829.

Cassandra Lawson Atkins
and others, and 52,561 acres
of land, more or less, in
Rockingham County, Virginia,

Defendants.

TO THE HON. H. W. BERTRAM, JUDGE OF SAID COURT.

Your petitioner, J. W. Hinkle, respectfully represents that a judgment in rem has heretofore been entered in this proceeding condemning to the use of The State Commission on Conservation and Development of the State of Virginia the fee simple estate in two tracts of land formerly the property of your petitioner. One tract is described in the report of the Board of Appraisal Commissioners appointed herein, and shown, numbered, and delineated on the County Ownership Map, filed therewith, as Tract No. 244, the award of the Board of Appraisal Commissioners for said Tract No. 244 being \$15.00. The other tract is described in the report of the Board of Appraisal Commissioners appointed herein, and shown, numbered, and delineated on the County Ownership Map, filed therewith, as Tract No. 326-III, the award of the Board of Appraisal Commissioners for said Tract No. 326-III being \$645.00.

That the said State Commission on Conservation and Development has paid into the custody of the Court both of said awards, namely, \$15.00 for Tract No. 244, and \$645.00 for Tract No. 326-III, as constituting the awards for the fee simple estate in said tracts of land.

That your petitioner, on the date of said judgment in rem condemning said tracts of land, was the owner of said land in fee simple, and that no other person or persons than the undersigned are entitled to share in the distribution of said award.

That the Board of Appraisal Commissioners, in their report concerning Tract No. 326-III, listed said tract as an overlap on the Alexander Mount Vernon or Big Survey Tract. Since said report of the Board of Appraisal Commissioners has been filed, your petitioner, J.W.Hinkle, has procured the waiver of any claim that the several judgment creditors of J.A.Alexander might have against the said Tract No. 326-III. This action upon the part of said creditors is shown by "Ex.No.1," "Ex.No.2," and "Ex.No.3," herewith filed and prayed to be read as parts hereof.

Your petitioner further shows to the Court that all taxes against said property have been paid, as is shown by the certificates of the Treasurer of Rockingham County and of the Clerk of the Circuit Court of Rockingham County, which certificates are herewith filed, marked "Ex.Certificate No. 1," and "Ex.Certificate No.2," and prayed to be read as parts hereof.

Wherefore, your petitioner prays that he may be made a party herein and be allowed to file his petition in this suit, and that an order may be entered in this suit for the distribution of said funds, and that your petitioner may have such other and further relief as the nature of the case may require.

J. W. Hinkle
By Counsel.

G. S. Harnsberger
Counsel.

State of Virginia,

City of Harrisonburg, to-wit:

This day J.W.Hinkle personally appeared before me, F. Flavia Converse, a Notary Public in and for the City aforesaid, in the State of Virginia, in my City aforesaid, and, being duly affirmed, deposes and says:

I have read the above petition,
and state that the matters of fact contained

therein are true, to the best of my knowledge
and belief.

J. M. Hinkle

Subscribed and affirmed to before me this 4th day of
August, 1934.

F. Flavia Converse,
Notary Public.

LAW OFFICES
FRANK S. TAVENNER, JR.
WOODSTOCK, VIRGINIA

June 25, 1934.

Mr. George S. Harnsberger, Attorney,
Harrisonburg,
Virginia.

In Re: Tract No. 326-III

Dear Mr. Harnsberger:

This is to inform you that so far as the undersigned are concerned, they do not desire to set up any claim against the J. W. Hinkle tract, the same being designated on the County Ownership map as Tract No. 326-III.

Yours very truly,

F. S. Tavenner, Jr.
Attorney for Kanawha National Bank

Geo. E. Walker
Attorney for the Estate of E. W.
Feuchtenberger.

"Ex. No. 1"

GEORGE B. WHITE
ATTORNEY AND COUNSELOR AT LAW
RICHMOND, VIRGINIA

July 3, 1934

Mr. George S. Harnsberger,
Harrisonburg, Virginia.

Dear Mr. Harnsberger:

I have your letter of June 29, 1934, referring to overlap of the John A. Alexander land upon the lands of J. W. Hinkle. You state that Mr. Tavenner and Mr. Walker have advised you in reference to the said overlap as follows:

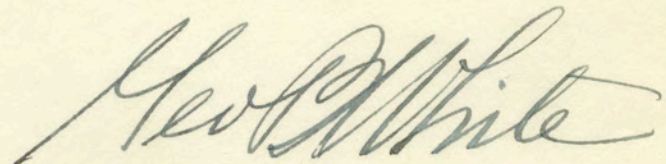
"This is to inform you that so far as the undersigned are concerned, they do not desire to set up any claim against the J. W. Hinkle tract, the same being designated on the County Ownership map as tract No. 326-III."

As counsel for Wallace C. Saunders, I unite in the position taken by Mr. Tavenner and Mr. Walker as above set out in reference to said overlap.

I am sending this letter along with your letter to Mr. Walter A. Williams, requesting that he unite in my letter to you if he sees fit so to do and forward the same to you.

"Ex. 110.2"

Yours truly,



GBW:RS

I unite in the above.

Walter A. Williams
for State Planters Land & Trust Co.

7/5/34.

Herbert J. Taylor
Attorney-at-Law
Staunton, Virginia
ROOMS 3 & 4 ECHOLS BUILDING

July 30, 1934

Mr. Geo. S. Harnsberger,
Atty. for J. W. Hinkle,
Harrisonburg, Va.

Dear Sir:

This is to inform you that the claim of the Home Building and Loan Association against the Alexander-Mount Vernon tract has been paid in full in so far as said tract of land is affected; and we make no further claim against the overlap on the J. W. Hinkle land. And the award for that tract may be paid to him.

Yours very truly,

Geo. S. Harnsberger
Herbert J. Taylor
by / S. J.

Attys. for Home Building & Loan Asso.,

"Ex. No. 3"

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 1933 taxes have been paid on a tract of 141-0-0 acres of land assessed in the name of J. W. Hinkle, situate in the Park Area in Stonewall District.

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

Given under my hand this 4th day of August 1934.

M. H. Harrison

Treasurer.

"Ex. Certificate No. 1"

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 141 acres in Stonewall district, assessed in the name of J. W. Hinkle.

Given under my hand this 4th day of August, 1934.

Geo. P. Hausknecht, Attorney

J. Robert Switzer
J. W. Hinkle, Clerk.

"Ex. Cert. State No. 2"

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. 244 : 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. _____ \$ _____ ; 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;

J. W. Hinkle

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:—

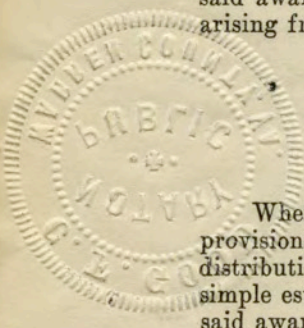
By reason of Contribution pledge obligating the owner, J. W. Hinkle, to give 5 acres of his land within the Park Area to the Park Project.

(J.W.Hinkle donated 17 Acres, only 5 inside Park Boundary)

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. 244 \$ 12.50 : 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)



NAME

P. O. ADDRESS

STATE COMMISSION ON CONSERVATION

& DEVELOPMENT

BY

Elleatt Marshall

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.

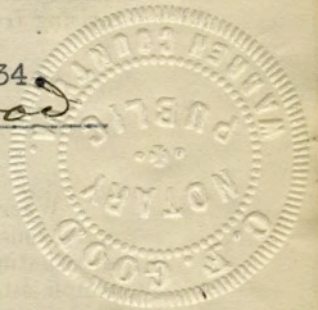
STATE OF VIRGINIA)
COUNTY OF WARREN) SS

Personally appeared before me the undersigned Notary Public in my said State and County, E. K. Stokes, who being duly sworn, deposed and said that she is an employee of the State Commission on Conservation and Development in immediate charge of the records of the Shenandoah National Park Division thereof having to do with claims of the Commission for distributive shares of condemnation awards in the Shenandoah National Park condemnation proceedings pending in the Circuit Courts of Virginia, by reason of contracts and agreements entered into with the owners of lands sought to be condemned in these proceedings, and that the within claim is just and correct.

Witness my signature this 8th day of January, 1934

E. K. Stokes
NOTARY PUBLIC Notary Public

My Commission Expires Sep. 8, 1934



IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

PETITIONER,

vs. At Law, No. 1829.

Cassandra Lawson Atkins and others,

DEFENDANTS.

TO THE HON. H. W. BERTRAM, JUDGE OF SAID COURT.

Your respondent respectfully represents that a notice has been given him by The State Commission on Conservation and Development of the State of Virginia that it will move the Circuit Court of Rockingham County on the 20th day of February, 1934, for the entry of a judgment in rem, condemning, among others, the tract of land therein listed as Tract 244-326-III, the property of your respondent, and directing any and all parties of record in this proceeding, if they desire to oppose the entry of said judgment in rem, to show cause, if any they have, in writing, filed with the record of this proceeding not later than five days prior to the 25th day of February, 1934, why the said judgment in rem should not be entered.

That your respondent has no objection to the condemnation of said Tract Tract 244-326-III, but that he does object to the value found therefor by the Board of Appraisal Commissioners.

That he has heretofore submitted to arbitration, pursuant to the arbitration agreement proposed by the Governor of Virginia on July 18, 1933, all questions as to damages and value of the land and the improvements sought to be condemned by the State Commission on Conservation and Development of the State of Virginia, and he now prays that the value of said land and improvements, as ascertained by said arbitration, be allowed and entered in said judgment in rem in the place of the amount found by the Appraisal Board.

J. H. Hinkle
Counsel.

G. S. Harnsberger
Counsel.

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

FEB 7 1934

J. Robert Switzer Clerk



JOHN M. PURCELL
TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE
RICHMOND, VA.

August 11, 1934

This is to certify that I, J. M. Purcell, Treasurer of Virginia have this 11 day of August in accordance with an order of the circuit court of Rockingham ~~Greene~~ County dated 8/7/34 in the cause of the State Commission on Conservation and Development of the State of Virginia vs. Cassandra Lawson Atkins and others paid to Geo. S. Garnsberger, Attorney for J. W. Hinkle \$ 15.00 being in full settlement of tract # 244 in the above mentioned cause.

J. M. Purcell
Treasurer of Virginia.

By W. L. Young
DEPUTY TREASURER OF VIRGINIA



JOHN M. PURCELL
TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

August 10, 1934

Geo. S. Harnsberger, Attorney for J. W. Hinkle

Received of J. M. Purcell, Treasurer of Virginia, the sum of \$ 15.00, in accordance with an order of the Circuit Court of the county of Rockingham entered on the 7th day of August 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 # 244.

*Geo. S. Harnsberger
Attorney for J. W.
Hinkle*

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