

Claim of Vernon M. Foltz
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. _____

more or less, of land in Shenandoah 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 _____ County, Virginia, asks leave of the Court to file this as his answer to said petition and to said notice.

My name is Vernon M. Foltz

My post office address is Stanley, Va P O 72

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 142-7-21 acres, on which there are the following buildings and improvements:

House and barn

This land is located about 10 miles from Elkton Virginia, in the Shenandoah 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.)

The land owners adjacent to the above described tract or parcel of land are as follows:

North Gruber Meadows

South Mrs Sleau

East Garland Fough

West Joslin Sleau

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

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 100.00 for and 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 \$ _____.

I am the owner of _____ 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 \$ _____.

(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: _____

(Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 14 day of Jan, 1930.

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

The undersigned hereby certifies that Vernon M. Foltz 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 14 day of Jan, 1930.

J. M. ...
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.

County: Rockingham
 District: Stonewall

#48 - Vernon Foltz

Acreage Claimed: 142-2-21 Assessed 143.⁴²/₁₆₀ Deed 142.101 A.

Value Claimed: \$100.00 " \$1000.00 " (1921) for \$9000.00

Location: West slope of main ridge near Dean Mountain School.

Incumbrances, counter claims or laps: -----

Soil: Sandy clay, good depth and fertility, surface rolling moderate, slopes N. W. and S. W. exposures.

Roads: 2 miles fair dirt road to Spotswood Trail, near top of ridge, thence 7 miles to Elkton.

History of tract and condition of timber: Large portion of tract cleared many years ago, grazed since, wooded area cut over repeatedly in past by sawmill on tract two years ago, present stand, mixed oaks, some popular.

Improvements:

Dwelling, Log 18x28, 2 rooms, shingle roof, brick flues, 1 story, condition poor, abandoned,	
Value -----	\$25.00
Old Barn, log 18x18x12, -----	10.00
Old Stable, Frame 16x20x12, shingle roof, condition poor. -----	20.00
Dwelling, Frame 19x25, brick flues, walls ceiled, Water supply-- Spring, foundation solid, occupied by tenant. -----	250.00
Barn, log 34x48x10, shingle roof, cond. poor. -----	75.00
Spring House, Frame 9x9x5, shingle roof, cond. poor. -----	10.00
Meat House, Frame 14x16x10, shingle roof, cond. poor. -----	20.00
Grannery, Frame 12x16x12, shingle roof, with shed 12x14, condition poor. -----	50.00
Hen house, Frame 10x12x8, shingle roof. -----	10.00
Orchard, 3 acres @ \$50.00 -----	150.00
Total	\$620.00

Value of land by types:

Type	Acreage	Value per acre	Total Value
Slope	45	\$3.00	\$135.00
Grazing	95	40.00	\$3800.00
Orchard	3		
	<u>143</u>		<u>\$ 3935.00</u>

Total value of land	\$3935.00
Total value of improvements	620.00
Total value of tract	4555.00
Average value per acre	31.85

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

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

SEP 30 1932

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

J. Robert Hunter Clerk

VS.

*Carrollia L. Atkins Rawlins
and 52561 acres land*

) (PETITION AND MOTION OF VERNON W.
FOLTZ, CLAIMANT TO 142 ACRES 2 ROODS
AND 24 POLES OF LAND EMBRACED WITH
IN THE ABOVE ENTITLED PETITION, TO
SET ASIDE THE FINDINGS OF FACT IN
RELATION TO THE VALUE THEREOF.

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

Your petitioner, Vernon W. Foltz, respectfully shows
unto Your Honor as follows:

1. That he is seized in fee simple of a certain tract
or parcel of land lying and being situate in Rockingham County,
Virginia, about eight (8) miles east of Elkton on top of the Blue
Ridge Mountain, containing 142 acres 2 roods and 24 poles, more
or less, which said tract is entirely within the bounds of the
proposed Shenandoah National Park as set out in the above entitled
condemnation petition; that said tract or parcel of land was
purchased at public auction by your petitioner on January 8, 1921,
as appears in the deed to said property which was recorded in the
Clerk's Office of Rockingham County in Deed Book 119 at Page 189,
for the sum of Nine Thousand (\$9,000.00) Dollars, cash; that at
said public sale said tract of land was cried for about two hours
and at which time there were numerous and spirited bids given, the
last bid before your petitioner's said bid of Nine Thousand
Dollars was Eight Thousand Nine Hundred and Fifty Dollars (\$8,950.00);
that said public sale was held a great many years before the pro-
posed Shenandoah National Park was ever thought of; that said land
has been used by your petitioner ever since the purchase thereof
as a grazing farm, and the same will graze between 60 and 80 head
of cattle each and every season, which represents an annual income

of from \$540.00 to \$720.00, based on the present rental value of pasture land of \$1.50 per head; that said grazing farm is improved with all necessary buildings incident to the same, in fact your petitioner within the last year, and after the Special Investigators and Board of Appraisal Commissioners went upon the land, placed improvements upon said property in the sum of Twenty-Five Hundred (\$2500.00) Dollars, being the actual cost of construction, and which is not included in the report of the findings of the said Special Investigators and Board of Appraisal Commissioners; and that since the purchase of said land your petitioner has improved the same by grubbing, cleaning off and fencing, thereby increasing the value; that your petitioner considers the sum of Fourteen Thousand Three Hundred (\$14,300) Dollars a fair market value of said real estate.

2. Under chapter 410, Acts 1928, the State Commission on Conservation and Development instituted proceedings to condemn said tract or parcel of land. And in these proceedings by orders entered the Court appointed George H. Levi, Miller A Price, and Wm. L. Green special investigators and a board of Appraisal Commissioners to ascertain all facts pertinent to said tract and the compensation to be paid therefor to your petitioner.

3. That acting under authority of Sections 8 and 28 of said Act said Special Investigators and Board of Appraisal Commissioners considered information derived by them from sources wholly unjudicial in character and notwithstanding that the courts of Virginia have frequently denounced such boards as so unjudicial as to deprive their findings of any probative value, this statute sets such decisions at naught and denies to your petitioner in the protection of his property rights the equal protection of the law and the guaranties of the Bill of Rights of Virginia and of the Fourteenth Amendment of the Constitution of the United States.

That by virtue of said Sections 8 and 28 said boards,

either collectively or individually are authorized to "hear any statement or expression of opinion made under oath or not under oath, by any person, whether such person is or is not interested in the fact or facts they are seeking to ascertain and determine" and the widest range of investigation, wholly unjudicial in character, is vested in these boards, and further by Section 33 the findings of such boards, based on such an investigation, is made, within narrow limits, conclusive on the court. That such a legislative enactment is an unauthorized invasion upon the provinces of the court.

4. That petitioner is not given his day in court, when before the Special Investigators and Board of Appraisal Commissioners, they act unjudicially in their investigation, and when, before the court, the court is denied the right to hear the claims of petitioner fully, so that petitioner is deprived of his property without due process of law. Your petitioner claims the guaranty secured to him by the Bill of Rights of Virginia and by the Fourteenth Amendment of the Constitution of the United States.

5. That the said Special Investigators and Board of Appraisal Commissioners have made their report in which contrary to any otherwise legal evidence before them, they have grossly misdescribed said tract and have undertaken to ascertain the compensation to which your petitioner is entitled so grossly inadequate as to show that said board or some of them were influenced by partiality or gross mistake of law and fact as to the nature and effect of the evidence with reference to which such findings were based on heresay statements, rumor and exaggerations from parties unknown authorized by this statute and not upon legal evidence such as judicial boards can only act upon.

6. That said Special Investigators and Board of Appraisal Commissioners have reported to the court as compensation for said tract of land the sum of Four Thousand Eight Hundred and Eighty Dollars (\$4,880.00), which is less than 50% of the amount paid for

said tract by your petitioner at public auction, and not taking into consideration the work and improvements placed thereon by your said petitioner; and that said compensation of itself is so grossly and manifestly inadequate as to show that the said Board of Appraisal Commissioners were influence by gross partiality and gross error or misapprehnsion of the fact and by ignorance and mistake as to the nature of the evidence to which such findings were made.

7. That said compensation is so grossly and manifestly inadequate as to shock the conscience and amounts to the confiscation of your petitioner's property, or in other words the taking of private property for public uses without just compensation therefor.

8. That out of all the tracts of land, embraced in the aforesaid report of said Special Investigators and Board of Appraisal Commissioners, the value fixed upon your petitioner's land is the most grossly inadequate and shocking inadequacy contained therein, and shows conclusively that said Board of Appraisal Commissioners arrived at their valuation thereof wholly upon the illegal evidence hereinbefore fully set forth, and wholly ignored and disregarded any and all legal evidence that could or might have shown what the true market value of the land actually was.

9. That said Special Investigators and Board of Appraisal Commissioners in carrying out their investigations under the statue were guilty of such illegal and improper conduct as to render their report filed on the 2nd day of August, 1932, wholly null and void. That said Board of Appraisal Commissioners asked and sought from the agents and employees of the State Commission on Conservation & Development not only for their valuation of the land in question, but made a practice of seeking and relying upon their aid and advice in such matter, when said Board should have acted judicially and impartially between the State Com-

mission on Conservation & Development on the one hand and the landowner on the other; that said Board of Appraisal Commissioners in the discharge of their legal duties were transported from place to place by the agents, servants, and employees of the said State Commission on Conservation & Development; that the said State Commission on Conservation & Development furnished hearing places, temporary offices and permanent offices to the said Board of Appraisal Commissioners, and that the permanent office of the said Board of Appraisal Commissioners was in the same building and practically the same office as that used and occupied by the State Commission on Conservation and Development in this judicial circuit; that the employees, servants and agents of the said State Commission on Conservation & Development actually participated and aided in the making and drawing of the report of said Board of Appraisal Commissioners submitted to Your Honor's Court; that in short, the association between the said agents, servants and employees of the State Commission on Conservation & Development and the said Board of Appraisal Commissioners was so close and intimate as to render the entire report null and void; that said Board of Appraisal Commissioners, for the reasons fully set forth in this paragraph, failed wholly to be an impartial or judicial tribunal but was in fact nothing more than an agency of the said State Commission on Conservation & Development of the State of Virginia, wholly incapable of acting fairly and impartially between said Commission on the one hand and the landowner on the other.

10. That the tract of land aforesaid owned by your claimant and petitioner is the same tract or parcel of land that is mentioned and described in the report of said Board of Appraisal Commissioners as Tract Number 48.

11. Your petitioner therefore prays that this Court will wholly disregard the aforesaid report of said Special Investigators and Board of Appraisal Commissioners in so far as the afore-

said tract or parcel of land of your petitioner is concerned for the reasons hereinbefore set forth, namely that in so far as the statute prescribe the weight to be attached to said report, it is an invasion by the legislature of the judicial province of the court; that the provisions of Section 8 and 28 are illegal and the findings of facts of said Board is so unjudicial in character as to deprive said findings of any probative value; that petitioner is not afforded a day in court for the proper consideration of his rights; that compensation to your petitioner as fixed by said Special Investigators and Board of Appraisal Commissioners is confiscatory; that said petitioner has been denied the guaranty of the Bill of Rights of Virginia Constitution and of the Fourteenth Amendment of the Constitution of the United States; that said Special Investigators and Board of Appraisal Commissioners were influenced by some error, mistake or misapprehension of facts; on account of the illegal and improper conduct of said Special Investigators and Board of Appraisal Commissioners wholly failed to act impartially and judicially, but in fact acted as an agency or sub-division of said State Commission on Conservation & Development.

12. That said Special Investigators and Board of Appraisal Commissioners failed to allow your petition^{er}/any damages to his home farm, which is situate in the Page Valley near Shenandoah, Virginia, by reason of the taking of his said grazing farm, thereby making it impossible to carry on his regular business of cattle raising and depriving him of a place to graze his stock necessary to the carrying on of his farming on his said home farm.

WHEREFORE, The said Vernon W. Foltz prays that the Court decline to accept the report of the Commissioners and disapprove the findings of fact therein set forth; that a hearing may be had on the question raised by these exceptions; that the said report be set aside, and be declared null and void with respects to the value placed upon the said Vernon W. Foltz' said tract of land; that the Court summon a jury to hear and determine his claim; that he may be awarded damages to his home farm for the reasons set out in Paragraph 12;

that all such other, further and general relief appropriate in the premises may be afforded the said Vernon W. Foltz as the nature of his case may require.

Vernon W. Foltz
f

Robert W. Cooper
Counsel

STATE OF VIRGINIA,

COUNTY OF PAGE, TO-WIT:

THIS day personally appeared before me Vernon W. Foltz and made oath that the matters and things stated in the above motion, objection and exceptions are true to the best of his knowledge and belief.

Given under my hand this 29th day of September, 1932.

My commission expires June 11, 1932.

Mary R. Holzman
Notary Public.

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

VS.

PETITION AND MOTION OF VERNON
W. FOLTZ, CLAIMANT TO 142 ACRES
2 ROADS AND 24 POLES OF LAND
EMBRACED WITHIN THE ABOVE
~~ENTITLED PETITION~~

KEYSER & KEYSER
ATTORNEYS AND COUNSELLORS AT LAW
LURAY, VIRGINIA

ROBERT W. KEYSER

KEYSER & KEYSER
ATTORNEYS AND COUNSELLORS AT LAW
LURAY, VIRGINIA

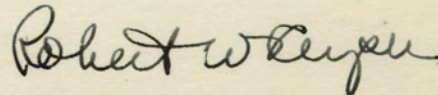
November 18, 1933.

Clerk of the Circuit Court of
Rockingham County,
Harrisonburg,
Virginia.

Dear Sir:

I enclose herewith additional affidavits to
be filed in the matter of the State Commission on
Conservation & Development of the State of Virginia vs.
Cassandra Lawson Atkins in regard to the Vernon W.
Foltz tract of Land, Tract No. 48, which you will please
file.

Very truly yours,



ROBERT W. KEYSER

RWK/MH

ROBERT W. KEYSER

KEYSER & KEYSER
ATTORNEYS AND COUNSELLORS AT LAW
LEWIS, VIRGINIA

November 18, 1933.

Clerk of the Circuit Court of
Rockingham County,
Hillsboro,
Virginia.

Dear Sir:

I enclose herewith additional affidavits to
be filed in the matter of the State Commission on
Conservation & Development of the State of Virginia vs.
Alexander Lawson Atkins in regard to the Vernon W.
Kojic tract of land, Tract No. 48, which you will please
file.

Very truly yours,

Robert W. Keyser
ROBERT W. KEYSER

RW/KM

Affidavits +



32-1453

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

STATE COMMISSION ON CONSERVATION
& DEVELOPMENT OF THE STATE OF
VIRGINIA.

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

NOV 20 1933

Robert S. Hutzler
Clerk

VS.

CASSANDRA LAWSON ATKINS, &C

ADDITIONAL AFFIDAVITS OF D. A.
) (FOLTZ, JAMES C. KITE, GROVER C.
KOONTZ, JOHN W. STROLE & VERNON
W. FOLTZ, IN THE MATTER OF VERNON
W. FOLTZ, CLAIMANT TO 142 acres,
2 ROODS & 24 POLES OF LAND EMBRACED
IN THE PETITION OF CONDEMNATION
FILED IN SAID COURT, SAID TRACT
BEING KNOWN AS TRACT NO. 48

The affiant, D. A. Foltz, deposes as follows: That his name is D. A. Foltz, aged 47 years, and resides in the County of Page, and his occupation is that of a farmer. He further says that he is acquainted with that certain tract or parcel of land lying and being situate in Rockingham County, Virginia, about 8 miles east of Elkton, on top of the Blue Ridge Mountain, containing 142 acres, 2 roods and 24 poles, which is now owned by Vernon W. Foltz and sought to be condemned in these proceedings, and known and designated on the Rockingham County ownership map filed in the above entitled condemnation proceedings as Tract No. 48. He further says that he has been upon this tract on numerous occasions and that he is fully acquainted with the same. He further says that said real estate is adapted to grazing cattle and other livestock during the late spring, summer and early fall months and that there are approximately 125 acres of this real estate in good blue grass sod which will accommodate and fatten between forty and fifty head of cattle. He further says that he is of the opinion that this real estate is worth between \$60.00 and \$65.00 per acre, or as a whole, approximately \$9,000.00, exclusive of the improvements put on said real estate in the last year or two. He further says that he has no interest in the said real estate.

D. A. Foltz

Filed in the Clerk's Office
 Rockingham County, Va.
 NOV 20 1933
 Clerk

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

STATE COMMISSION ON CONSERVATION
 & DEVELOPMENT OF THE STATE OF
 VIRGINIA.

CASSANDRA LAWSON ATKINS, et al
 vs.
)
 ADDITIONAL AFFIDAVITS OF D. A. FOLIX, JAMES O. KITE, GROVER G. KOONTZ, JOHN W. STROIE & VERNON W. POITZ, IN THE MATTER OF VERNON W. POITZ, CLAIMANT TO 142 ACRES, 2 ROADS & 24 POLES OF LAND EMBARRASSED IN THE PETITION OF CONDEMNATION FILED IN SAID COURT, SAID TRACT BEING KNOWN AS TRACT NO. 48

The affiant, D. A. Folix, deposes as follows: That his name is D. A. Folix, aged 47 years, and resides in the County of Page, and his occupation is that of a farmer. He further says that he is acquainted with that certain tract or parcel of land lying and being situate in Rockingham County, Virginia, about 8 miles east of Eikton, on top of the Blue Ridge Mountain, containing 142 acres, 2 roads and 24 poles, which is now owned by Vernon W. Poitz and sought to be condemned in these proceedings, and known and designated on the Rockingham County ownership map filed in the above entitled condemnation proceedings as Tract No. 48. He further says that he has been upon this tract on numerous occasions and that he is fully acquainted with the same. He further says that said real estate is adapted to grazing cattle and other livestock during the late spring, summer and early fall months and that there are approximately 125 acres of this real estate in good blue grass sod which will accommodate and fatten between forty and fifty head of cattle. He further says that he is of the opinion that this real estate is worth between \$60,000 and \$65,000 per acre, or as a whole, approximately \$9,000,000, exclusive of the improvements but on said real estate in the last year or two. He further says that he has no interest in the said real estate.

D. A. Folix

The affiant, James C. Kite, deposes as follows:

That his name is James C. Kite, aged 45, occupation farmer, and resides in the County of Page; that he is acquainted with that certain tract or parcel of land lying and being situate in Rockingham County, Virginia, about 8 miles east of Elkton, on top of the Blue Ridge Mountain, containing 142 acres 2 roods and 24 poles, which is now owned by Vernon W. Foltz and sought to be condemned in these proceedings, and which is known and designated as Tract No. 48 on the Rockingham County ownership map filed in these proceedings. He further says that he has been upon this tract on numerous occasions and that he is fully acquainted with the same; that said tract is adapted to grazing cattle and other livestock from the late spring until early fall; and that there are approximately 125 acres of this real estate in good blue grass sode which will easily accommodate and fatten between forty and fifty head of cattle. He says that he is of the opinion that this real estate is worth about \$9,000.00, not including the recent improvements put on said tract. He further says that he has no interest in the said real estate.

James C. Kite

The affiant, Grover C. Koontz, deposes as follows:

That his name is Grover C. Koontz, aged 49 years; that he is a farmer residing in the County of Page. He further says that he is well acquainted with that certain tract or parcel of land lying and being situate in Rockingham County, Virginia, about 8 miles east of Elkton, on top of the Blue Ridge Mountain, containing 142 acres 2 roods and 24 poles, which is now owned by Vernon W. Foltz and sought to be condemned in these proceedings, and known and designated on the Rockingham County ownership map filed in the above entitled condemnation proceedings as Tract No. 48.

He further avers that he has often been upon this tract and that he is fully acquainted with the same, and that said real estate is well adapted to grazing between 40 and 50 head of cattle from the late spring months until early fall and that because of the excellant blue grass sod will fatten and accommodate these cattle. He is of the opinion that this real estate is worth about \$70.00 per acre, or as a whole, approximately \$10,000.00, not including the improvements recently placed upon said tract. He further says that he has no interest in said real estate.

Ernest C. Young

The affiant, John W. Strole, deposes as follows:

That his name is John W. Strole, occupation farmer, and he is 57 years of age; that he resides in the County of Page. He further avers that he is well acquainted with that certain tract or parcel of land lying and being situate in Rockingham County, Virginia, about 8 miles east of Elkton, on top of the Blue Ridge Mountain, containing 142 acres 2 roods and 24 poles, which is now owned by Vernon W. Foltz and sought to be condemned in these proceedings, and known and designated on the Rockingham County ownership map filed in the above entitled condemnation proceedings as Tract No. 48. He further says that he has ~~been~~ ^{is} been upon said tract and is well acquainted with it; that it/fully adapted to grazing 40 to 50 head of cattle from the early part of May until about the middle of November and ~~that~~ it has an excellant stand of blue grass. He is of the opinon that this real estate is worth approximately \$9,000.00, exclusive of the recent improvements put upon said tract. He further says that he has no interest in the above real estate.

John W. Strole

The affiant, Vernon W. Foltz, deposes as follows:
That he is the owner of the real estate set out in the above mentioned petition , and that he desires to file these additional affidavits as to the value and amount of improvements that he has put on said real estate since the Board of Appraisal Commissioners valued said tract. He further says that he has placed improvements upon said real estate which actually cost the sum of \$3,500.00.

Vernon W Foltz
8

STATE OF VIRGINIA,
COUNTY OF PAGE, TO-WIT:

I, Mary R. Holtzman, a notary public in and for the County aforesaid in the State of Virginia, do hereby certify that D. A. Foltz, James C. Kite, Grover C. Koontz, John W. Strole and Vernon W. Foltz, the affiants in the above paper, personally appeared before me, and made oath to the facts set forth above and subscribed the same.

My commission expires June 11, 1935.

Given under my hand this 18th day of November, 1933.

Mary R. Holtzman
Notary Public.

STATE COMMISSION ON CONSERVATION & DEVELOPMENT OF THE STATE OF VIRGINIA.

ADDITIONAL AFFIDAVITS OF
D.A.FOLTZ, JAMES C.KITE,
GROVER C.KOONTZ, JOHN W.
STROLE & VERNON W.FOLTZ
VS.) (IN THE MATTER OF VERNON
W.FOLTZ, CLAIMANT TO 142
ACRES 2 ROODS & 24 POLES
OF LAND EMBRACES IN
PETITION OF CONDEMNATION
SAID TRACT BEING KNOWN
AS TRACT NO. 48

CASSANDRA LAWSON ATKINS, &C

KEYSER & KEYSER
ATTORNEYS AND COUNSELLORS AT LAW
LURAY, VIRGINIA

VIRGINIA: IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY:
JANUARY 21st 1934.

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

VS.

CASSANDRA LAWSON ATKINS, ET ALS, AND FIFTY-TWO THOUSAND
FIVE HUNDRED SIXTY-ONE (52,561) ACRES OF LAND, MORE OR
LESS, IN ROCKINGHAM COUNTY, VIRGINIA, - - - -DEFENDANTS

IN RE: CLAIM OF VERNON W. FOLTZ - TRACT NO. 48

On January 4th 1934

~~The day~~ came the claimant, Vernon W. Foltz, in person, as well as
by Counsel, and also came the petitioner by Counsel:

And thereupon petitioner by Counsel moved the Court to overrule and
dismiss the several motions, objections and exceptions of said claimant, Vernon
W. Foltz, heretofore interposed and filed with respect to the findings set forth
in the report of the Board of Appraisal Commissioners appointed in this proceed-
ing, as to said tract No. 48, upon the said motions, objections, and exceptions,
the answer of the petitioner, and the several supporting affidavits filed by the
said petitioner and the said claimant, which said motion of petitioner was re-
sisted by the claimant who prayed the Court to hear oral testimony, to be con-
sidered together with the said supporting affidavits, in support of his said
several motions, objections and exceptions.

And petitioner by Counsel, offering no objection to the hearing of
oral testimony and having joined with claimant in his prayer for the hearing of
oral testimony, the Court proceeded to hear the oral testimony of witnesses on
behalf of claimant and petitioner respectively, including the testimony of the
members of the said Board of Appraisal Commissioners.

And petitioner and claimant by Counsel, having stipulated in open
Court, that insofar as the motions, objections and exceptions of claimant related
to his claim for compensation for improvements on said tract made by him since
the filing of the report of the said Board of Appraisal Commissioners, evidence
would be submitted by each respectively as to the value of said improvements, the
same to be considered by the Court separately and apart from all other questions
raised by the said motions, objections and exceptions of said claimant, or the

grounds thereof; and, that the sum thus found by the Court might and would be added to the sum set forth in the said report as the value of said tract;— oral testimony with respect to the value of said improvements was thereupon introduced and submitted by claimant and petitioner respectively.

Whereupon the whole matter of law and fact arising out of said several motions, objections and exceptions of said claimant and out of the motion of petitioner to overrule and dismiss the same, was heard by the Court, as well as arguments of Counsel for claimant and petitioner respectively: (X)

~~The undersigned~~ is of opinion and finds, adjudges and orders as follows:

That the Special Investigators and members of the Board of Appraisal Commissioners, acting under authority of Sections 8 and 28 of the Public Park Condemnation Act did not consider information with reference to the value of the said Tract No. 48, derived from sources unjudicial in character as alleged in paragraph No. 3 of claimant's motions, objections and exceptions;

That the claimant was given his day in Court and was accorded a fair and impartial hearing, and opportunity to be heard by the Board of Appraisal Commissioners and that he appeared and offered testimony with respect to the value of the land claimed by him at a public hearing before said Board of Appraisal Commissioners, held by said Board after due and reasonable notice of the time and place thereof; and that after the said public hearing the said Board of Appraisal Commissioners viewed said tract in company with the claimant who then and there pointed out the boundaries and the various elements of the value of said tract; and that said claimant has not been denied his day in Court and was not denied the right and opportunity to present evidence as to the value of said tract of land to the said Board of Appraisal Commissioners; and that claimant has not been deprived of his property without due process of law by reason of any denial of his day in Court or of his right to an opportunity to be heard and to submit evidence as to the value of said tract of land as alleged by him in the fourth paragraph of his said motions, objections and exceptions.

That the report of the Special Investigators and Board of Appraisal Commissioners has not mis-described the tract referred to, nor have the said

(X) And the Court NOT being advised of its opinion with respect to the several matters of law and fact raised and presented, took time to consult with the Board of Appraisal Commissioners, and on the 22nd day of January, 1934, being fully advised of its opinion,

LAW OFFICES
ELLIOTT MARSHALL
FRONT ROYAL, VA.

Special Investigators and Appraisal Commissioners ascertained the compensation that claimant is entitled to, in any gross and inadequate manner, nor does the evidence submitted by the claimant and the petitioner show that said Board of Appraisal Commissioners, or any of the members thereof were influenced by partiality, or mistake of law and fact as to the nature and effect of the evidence introduced before them; nor that the findings of said Board of Appraisal Commissioners with relation to the value of the said tract and the incidental damages that will accrue from its proposed condemnation, were based on hearsay statement, rumor and exaggerations from any persons whomsoever, as alleged by the claimant in his said motions, objections and exceptions;

That the compensation ascertained by said Board of Appraisal Commissioners for said tract of land and set forth in their said report, excluding the value of the improvements placed thereon since the filing of said report, is not so grossly and manifestly inadequate as to shock the conscience nor to amount to confiscation of said property, as alleged in paragraph 7 of claimant's motions, objections and exceptions; and that the evidence before the Court is not sufficient to sustain a finding that said compensation is in any wise unjust or inadequate.

That said Special Investigators and Board of Appraisal Commissioners were not guilty of illegal and improper conduct in ascertaining and determining the value of the said tract, as alleged in paragraph 9 of claimant's motions, objections and exceptions;

That neither by the claim in writing filed with the record in the Clerk's Office by the said claimant, nor by any claim thereafter made before the Board of Appraisal Commissioners herein nor at any time prior to the filing of the report of the said Board of Appraisal Commissioners was any claim made by or on behalf of claimant as to any incidental or consequential damages resulting to other lands of claimant not sought to be condemned in this proceeding, by reason of the proposed condemnation of said tract No. 48, and that for the first time a claim for such incidental or consequential damages appears in the record of this proceeding in sub-section 12 of his said motions, objections and exceptions;

that evidence in support of such claim for incidental and consequential damages should be excluded and cannot properly be heard or considered at this hearing; and that said motions, objections and exceptions insofar as the same relate thereto, should be overruled and dismissed.

That none of the grounds for sustaining the said motions, exceptions and objections of claimant which are set forth in sub-sections(a), (b) and (c) of Section 35 of the Public Park Condemnation Act affirmatively appear from the record or the evidence submitted by the claimant and the petitioner.

That the fair market value of the improvements placed on said tract, by claimant, since the filing of said report of the said Board of Appraisal Commissioners, is the sum of Sixteen Hundred Dollars, (\$1600.00).

And that in pursuance of said stipulation, the said report of said Board of Appraisal Commissioners should be and is hereby amended and modified to the extent that the sum found therein to be the value of said tract No. 48 shall be increased by the sum of Sixteen Hundred Dollars, (\$1600.00), making the aggregate sum found and set out therein to be the fair market value of said tract No. 48, together with the improvements placed thereon since the filing of said report, to be the sum of Six Thousand Four Hundred and Eighty Dollars, (\$6480.00).

And in all other respects and particulars the said motion of petitioner to overrule and dismiss the said motions, objections and exceptions of claimant, with respect to said tract No. 48, should be sustained and it is accordingly so adjudged and ordered.

To all of which several findings and rulings of the Court the Claimant, Vernon W. Feltz, by counsel, objected and excepted.

But
1/22/34

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1/22/34

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

Virginia: in the Circuit Court of Rockingham County
The State Commission on Conservation and Development of the State of Virginia
V. At Law No. 1833
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. 48: Tract No. 48
and described in the report of the Board of Appraisal Commissioners appointed therein 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. 48: \$5500.00 on Tract No. 48
STATE OF VIRGINIA)
COUNTY OF WARREN) SS

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:

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 imme-

diante 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 Shenan-

doah National Park condemnation proceedings pending in the

Circuit Courts of Virginia, by reason of contracts and agree-

ments entered into with the owners of lands sought to be con-

demned in these proceedings, and that the within claim is

just and correct.

Given under my hand this 2nd day of May, 1934,

Chas. F. Good
Notary Public

NOTARY PUBLIC

My Commission Expires Sep. 6, 1934



P. O. ADDRESS

NAME

.....
.....
.....
.....

STATE COMMISSION ON CONSERVATION AND DEVELOPMENT
.....
.....
.....

NOTE—A copy of this blank 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 motion 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 motion which may be used, subject to the approval of the court in each case.

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

MAY 1934

J. Robert Luitjens Clerk

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. 48 . . . : Tract No. . . . : Tract No. . . . ;
and described in the report of the Board of Appraisal Commissioners appointed therein 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. 48 . . . \$6360.00 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;

Vernon W. Foltz

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) of 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:—

Under the terms of a duly recorded contract and deed conveying the Skyline roadbed running through this tract, the owner granted and conveyed to the undersigned the right to receive from said proceeds, the sum of \$176.00

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:

The above mentioned claimant to the extent that he may be able to establish his claim.

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. 48 . . . \$176.00; Tract No. . . . \$. . . : Tract No. . . . \$. . . ;

The undersigned further aver(s) that: (Leave this space blank unless there is some other pertinent matter to be brought especially to the attention of the court)

NAME

P. O. ADDRESS

STATE COMMISSION ON CONSERVATION AND DEVELOPMENT

BY

W. Weaver & Co. Attorney

COUNSEL

NOTE—A supply of this blank 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.

VIRGINIA. IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY.

The State Commission on Conservation &
Development of the State of Virginia, Petitioner,

v.

Cassandra Lawson Atkins, et als, defendants.

June 25th, 1935.

This day came petitioner by counsel and exhibited to the Court its motion in writing, heretofore filed herein, requesting that out of the proceeds of condemnation of Tract No. 48, claimed by Vernon Eoltz, that it be paid the sum of One Hundred and Seventy-Six Dollars (\$176.00) upon the grounds set forth in said motion in writing.

Upon consideration whereof, it appearing to the Court from an inspection of said motion in writing and of the deed from the said Vernon Eoltz, to petitioner, and of the whole of the record in this case, that petitioner is entitled to said sum of \$176.00 so claimed, it is adjudged and ordered that the Treasurer of Virginia, out of the funds in his hands to the credit of this Court in this proceeding, do pay to petitioner the aforesaid sum of \$176.00 and deduct the same from the gross proceeds of condemnation of said Tract No. 48.

*Eut
HWR*

6/25/35

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June 19th, 1935.

Mr. Vernon Foltz,
Elkton,
Va.

Dear Mr. Foltz:

As attorney for the State Commission on Conservation & Development, this will advise you that it is my purpose to apply to the Circuit Court of Rockingham County, Va., at eleven o'clock A. M. on Tuesday, June 25th, 1935, for an order directing the Treasurer of Virginia, to pay to said Conservation Commission, out of the proceeds of condemnation of tract No. 48 in Rockingham County, now deposited to the credit of the Circuit Court of Rockingham County, the sum of \$176.00 which sum is the amount paid you by said Commission for the Skyline Drive right of way through your tract, and which sum was agreed by you to be credited on the judgment in rem fixing the value and damages for your tract in Rockingham County, condemned for Shenandoah National Park.

Yours very truly,

a/t.

Copy to Robert Keyser,
Luray, Va.



~~JOHN M. FURCELL~~
TREASURER OF VIRGINIA

Commonwealth of Virginia

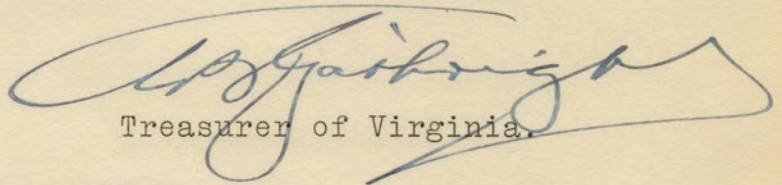
TREASURER'S OFFICE

RICHMOND, VA.

June 29, 1935

A. B. Gathright

This is to certify that I, ~~John M. Furcell~~, Treasurer
of Virginia have this 29 day of June in accordance
with an order of the circuit court of Rockingham County
dated 6/25/35 in the cause of the State Commission
on Conservation and Development of the State of Virginia
vs. Cassandra Lawson Atkins
paid to State Commission on Conservation & Development
\$ 176.00 being in full settlement of tract # 48
in the above mentioned cause.


Treasurer of Virginia.



~~JOHN M. PURCELL~~
TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

June 29, 1935

State Commission on Conservation & Development

Received of ~~JOHN M. PURCELL~~, Treasurer of Virginia, the sum of \$ 176.00, in accordance with an order of the Circuit Court of the county of Rockingham entered on the 25th day of June 1935, in the matter of the State Commission on Conservation and Development v _____ Cassandra Lawson Atkins and others, being full and complete settlement for the tract of land known in said proceeding as # 48.

Executive Secy & Treas.

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

The Commonwealth of Virginia,

To the Sheriff of the County of Rockingham, Greeting:

We command you that you cause the State Commission on Conservation and Development of the State of Virginia, to have possession of the following described tract, or parcel of land, to-wit:

A certain tract or parcel of land with the buildings and improvements thereon lying, being and situate in Stonewall Magisterial District of said Rockingham County, about two miles northeast of Swift Run Gap, on both sides of the Skyline Drive, and bounded by lands formerly claimed or owned by J. B. Dean, L. G. Meadows, G. S. Lough, Wesley A. Dean, Dorsey Z. Dean and J. B. Dean; said tract contains about one hundred and forty-three (143) acres, but be the same more or less, and is a part of the lands acquired by said State Commission on Conservation & Development in certain condemnation proceedings instituted and conducted in the Circuit Court of Rockingham County, Virginia, under the style of State Commission on Conservation & Development of the State of Virginia, Petitioner, v. Cassandra Lawson Atkins, and others, defendants, which the said State Commission on Conservation & Development of the State of Virginia, late in our Circuit Court of the County of Rockingham hath recovered against Vernon W. Foltz, whereof the said Vernon W. Foltz is convict as appears to us of record.

And how you have executed this writ make known to the said Court on the first day of its next term, succeeding the date hereof.

And have then there this writ.

Witness, J. Robert Switzer, Clerk of our said Court at the Courthouse this 6th day of September 1935, and in the 159th year of the Commonwealth.

J. Robert Switzer Clerk.
By Margie Bowers, D.C.

J. K. HANEY, et ux

TO

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

D E E D

6666

Tax \$ Fees \$ 1.50
Transfer \$ Total \$

Admitted JUL 17 1934 4:15 P.M.

J. Robert Shultz
Clerk
Rockingham County, Va.

HARRISONBURG, Va. July 17 1934
Recorded in *Deed* Book
No. *157* *Shultz*
County Clerk

*St. Com. on Conservation
& Development*

W. } Writ of Possession

Vernon W. Foltz

1935

Not finding Vernon.W.Foltz at his usual place of abode, Executed Sept. 18, 1935 by delivering a true copy of this Writ of Possession to Mrs Vernon.W.Foltz in person, at said Vernon.W.Foltz usual place of abode Mrs Vernon.W.Foltz being a member of the family above the age of 16 years, and explaining the purpose thereof to her.

W. S. Fawley

D.S. for C.R. Fawley, S.R.C.

LAW OFFICES
WEAVER & ARMSTRONG
FRONT ROYAL, VIRGINIA

November 9th, 1935.

Mr. J. Robert Switzer, Clerk,
Harrisonburg,
Virginia.

Dear Mr. Switzer:

A writ of possession on the judgment in unlawful detainer of State Commission on Conservation & Development v. Vernon Foltz, was issued some months back, returnable to the first day of your October term, which was October 21st, if I recall correctly.

I am thinking that this writ is now dead and that a new one will have to be issued.

I am requested by the Chairman of the State Commission on Conservation & Development, to proceed with the eviction of Foltz at once. Therefore, I am asking that you issue a new writ returnable November 22nd, and place in the hands of the proper officer at your earliest convenience.

Yours very truly,

W. C. Armstrong

a/t.

LAW OFFICES
WEAVER & ARMSTRONG
FRONT ROYAL, VIRGINIA

November 29th, 1935.

Mr. J. Robert Switzer, Clerk,
Harrasburg,
Virginia.

Dear Mr. Switzer:

A writ of habeas corpus on the judgment in unlawful detainer
of State Commission on Conservation & Development v. Vernon Holtz, was issued
some months back, returnable to the first day of your October term, which was
October 21st, if I recall correctly.

I am thinking that this writ is now dead and that a new
one will have to be issued.

I am requested by the Chairman of the State Commission on
Conservation & Development, to proceed with the eviction of Holtz at once.
Therefore, I am asking that you issue a new writ returnable November 22nd, and
place in the hands of the proper officer at your earliest convenience.

Yours very truly,

W. C. Armstrong

THE COMMONWEALTH OF VIRGINIA,
TO THE SHERIFF OF THE COUNTY OF ROCKINGHAM, GREETING:

We command you that you cause the State Commission on Conservation and Development of the State of Virginia, to have possession of the following described tract, or parcel of land, to-wit:

A certain tract or parcel of land with the buildings and improvements thereon, lying, being and situate in Stonewall Magisterial District of said Rockingham County, about two miles northeast of Swift Run Gap, on both sides of the Skyline Drive, and bounded by lands formerly claimed or owned by J. B. Dean, L. G. Meadows, G. S. Lough, Wesley A. Dean, Dorsey Z. Dean and J. B. Dean; said tract contains about one hundred and forty-three (143) acres, but be the same more or less, and is apart of the lands acquired by said State Commission on Conservation and Development in certain condemnation proceedings instituted and conducted in the Circuit Court of Rockingham County, Virginia, under the style of State Commission on Conservation and Development of the State of Virginia, Petitioner, v. Cassandra Lawson Atkins, and others, defendants, which the said State Commission on Conservation and Development of the State of Virginia, late in our Circuit Court of the County of Rockingham hath recovered against Vernon W. Foltz, whereof the said Vernon W. Foltz is convict as appears to us of record.

And how you have executed this writ make known to the said Court on the 22d day of November next succeeding the date hereof.

And have then and there this writ.

Witness, J. Robert Switzer, Clerk of our said Court, at the Court House thereof, this _____ day of November, 1935, and in the 160th year of the Commonwealth.

Handwritten notes:
11/12/35
[Signature]

Handwritten notes:
11/12/35
[Signature]

TO THE SHERIFF OF THE COUNTY OF ROCKINGHAM, GREETING:

We command you that you cause the State Commission on Conservation and Development of the State of Virginia, to have possession of the following described tract, or parcel of land,

to-wit:

A certain tract or parcel of land with the buildings and improvements thereon, lying, being and situate in Stonewall Magisterial District of said Rockingham County, about two miles northeast of Swift Run Gap, on both sides of the Skyline Drive, and bounded by lands formerly claimed or owned by J. B. Dean, J. G. Meadows, G. S. Lough, Wesley A. Dean, Dorsey E. Dean and J. B. Dean; said tract contains about one hundred and forty-three (143) acres, but be the same more or less, and is a part of the

Print record 11/12/35 to Dec. 3.

*James
11/12/35*

lands acquired by said State Commission on Conservation and Development in certain condemnation proceedings instituted and conducted in the Circuit Court of Rockingham County, Virginia, under the style of State Commission on Conservation and Development of the State of Virginia, Petitioner, v. Cassandra Lawson Atkins, and others, defendants, which the said State Commission on Conservation and Development of the State of Virginia, late in our Circuit Court of the County of Rockingham hath recovered against Vernon W. Folts, whereof the said Vernon W. Folts is convict as appears to us of record.

And how you have executed this writ make known to the said Court on the 22d day of November next succeeding the date hereof.

And have then and there this writ.
Witness, J. Robert Switzer, Clerk of our said Court, at the Court House thereof, this _____ day of November, 1935, and in the 180th year of the Commonwealth.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

STATE COMMISSION ON CONSERVATION
AND DEVELOPMENT OF THE STATE OF
VIRGINIA

VS.

PETITION OF VERNON W. FOLTZ
) (FOR AN ORDER OF DISTRIBUTION

CASSANDRA LAWSON ATKINS, &C.

TO THE HONORABLE H. W. BERTRAM, JUDGE OF SAID COURT:

Your petitioner, Vernon W. Foltz, respectfully represents unto Your Honor as follows:

That he is the owner in fee simple of a certain tract or parcel of land, lying and being situate in Rockingham County, Virginia, about 8 miles east of Elkton, on top of the Blue Ridge Mountain, containing 142 acres, 2 roods and 24 poles, more or less, and within the bounds of the Shenandoah National Park, and which is known and designated on the Rockingham County ownership map filed in the above entitled condemnation proceedings as Tract No. 48; and

That the Special Investigators and Board of Appraisal Commissioners heretofore appointed in these proceedings awarded your petitioner the sum of \$4880.00 as compensation and damages for the taking of the aforesaid land as will more fully appear from their report filed in these proceedings; and

That your petitioner filed exceptions to said Commissioners' report in Your Honor's Court praying that the Court decline to accept the report of Commissioners and disapprove the findings of fact therein set forth, and on which exceptions a hearing was had, and upon the determination of said exceptions by Your Honor's Court an order was entered awarding your petitioner the sum of _____ Dollars (\$ 6480⁰⁰) for compensation and damages for the taking of the aforesaid tract of land; and

That the petition for condemnation in this cause states that your petitioner is the fee simple owner of the real estate aforesaid and that the record in this suit does not disclose any denial or dispute of such statement or charge contained in said petition.

Your petitioner alleges and avers that there are no liens or encumbrances of any kind whatsoever binding the aforesaid tract or parcel of land.

WHEREFORE, your petitioner prays that the Court may make an order which shall be entered in this cause directing that the aforesaid sum of \$ 6480⁰⁰ shall be forthwith paid over to the said Vernon W. Foltz, the landowner as aforesaid, or the attorney of record.

Vernon W. Foltz
By Counsel

Ford & Keyser
COUNSEL

STATE COMMISSION ON CONSER-
VATION & DEVELOPMENT OF THE
STATE OF VIRGINIA

VS.)(PETITION OF VERNON
W. FOLTZ FOR AN ORD*
ER OF DISTRIBUTION

CASSANDRA LAWSON ATKINS, &c

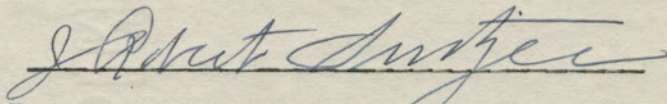
FORD & KEYSER
ATTORNEYS AND COUNSELLORS AT LAW
LURAY, VIRGINIA

STATE OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

I, J. Robert Switzer, Clerk of the Circuit Court of Rockingham County, in the State of Virginia, the same being a Court of Record, do hereby certify that in the records of delinquent taxes in my office, I find no record of any taxes against the tract of 142 - 2 - 24 , being delinquent, said tract being assessed in the name of Vernon W. Foltz , situate in Rockingham County, State of Virginia, and being tract #48, acquired by the State Commission on Con. & Development of St. of Va.

Given under my hand this 20th day of January , 1937.



J. Robert Switzer, Clerk of the Circuit
Court of Rockingham County,
Virginia.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

VS.) (ORDER OF DISTRIBUTION TO VERNON W.
FOLTZ.

CASSANDRA LAWSON ATKINS, &C

On this 20th day of January, 1937, again came Vernon W. Foltz, who heretofore by leave of Court filed his petition and application for the payment to him of the sum of \$ 6480⁰⁰, the final amount of the award set out in an order entered in this Court upon the determination of exceptions filed to the original report of the Board of Appraisal Commissioners for Tract No. 48, which said sum has heretofore been 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 and condemnation entered therein that in the opinion of the petitioner the said Vernon W. Foltz is vested with a superior right or claim of title in and to said tract of land No. 48, or to the proceeds arising from the condemnation thereof, and is therefore entitled to receive the proceeds arising from the condemnation of said Tract No. 48, and it appearing to the Court that all taxes due or exigible thereon have been paid, upon consideration whereof it is ordered by the

Court that said sum of \$ 6480⁰⁰ paid into Court by petitioner *less the sum of \$176⁰⁰ ordered paid to the State Commission of Conservation and Development by decree entered June 25, 1935 in these proceedings* as just compensation for said Tract No. 48, be paid unto the

said Vernon W. Foltz, and that the Clerk of this Court be, and

is hereby, directed to transmit a certified copy of this order to the Treasurer of Virginia, who shall pay unto ~~Ford & Keyser,~~ *the said Vernon W. Foltz*

~~Luray, Page County, Virginia, attorneys of record for the said~~

~~Vernon W. Foltz~~, the sum of \$ 6304⁰⁰, the final amount of the award set out in the order entered by this Court upon the determination of exceptions filed to said Commissioners' report for said Tract No. 48, ^{less the \$176⁰⁰ advance} and certify such payment to the Clerk of this Court for appropriate entry thereof as required by law.

Paul [unclear]

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548

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

State Commission on Conservation
and Development of State of Virginia

Petitioner

vs. No. 1829 Condemnation

Cassandra Lawson Atkins and others
and 52,561 acres of land, more or less.

Defendant

In the matter of the order entered herein on the 10th day of September, 1938, on motion of State Commission on Conservation and Development and the Treasurer of Virginia, directing that Vernon W. Foltz and Robert W. Keyser show cause why they and each of them should not be directed to refund and pay over to the Treasurer of the State of Virginia, the sum of One Hundred Twenty Dollars (\$120.00) alleged to have been paid by the said Treasurer of Virginia unto the said Vernon W. Foltz in excess of the amount to which said Foltz was entitled on the face of the record herein, as his distributive share of the award to which he was entitled by reason of the taking by said Commission of the tract of land known in these proceedings as Tract No. 48, came the parties, to-wit: State Commission on Conservation and Development, the Treasurer of Virginia by counsel, Robert W. Keyser and Vernon W. Foltz, by counsel, on this the 6th day of March, 1939, and submitted the motion on which said order to show cause was entered, the answer thereto and the entire record herein and prayed that the Court adjudicate and determine the respective rights of the various parties herein, arising out of the matters set forth in said motion and answer.

Whereupon, the contentions of the parties having been argued at length by counsel, the Court found that the said award to which the said Foltz was entitled by reason of the taking of said tract as set forth in the order entered herein on January 22, 1934, on ~~w~~ exceptions to the value fixed and ascertained for the taking of said tract by the Board of Appraisal Commissioners

appointed herein, was \$6,480.00 and that the amount actually paid the said Foltz by the said Treasurer of Virginia under the order of this Court directing payment thereof, entered herein January 20, 1937, for the sum of \$6,304.00, being the amount of said award of \$6,480.00 less the sum of \$176.00 theretofore paid to the said Commission pursuant to the terms of a distributive order entered herein on the 22nd day of January, 1934, was not in excess of the amount to which the said Foltz was entitled under the said order; and the Court further found that the deficiency of \$120.00 in the special fund in the hands of the Treasurer of Virginia for application to the award for the taking of said tract originated in the failure or omission of the State Commission on Conservation and Development to pay into the said fund the full amount of said award of \$6,480.00; -- the amount actually paid in as appears from the face of the record being \$6,360.00:

Whereupon, the parties having submitted their respective rights and obligations, arising out of the facts disclosed by the record, and the said order to show cause and answer herein, to the adjudication of this Court in this proceeding, it is considered, adjudged, ordered and decreed that the motion to show cause on which the said order to show cause was entered September 10, 1938, should be and it is hereby dismissed:

And it is further adjudged, ordered and decreed that the said State Commission on Conservation and Development should and shall pay over to the Treasurer of Virginia, from the funds in its hands known as "Shenandoah National Park" funds, the sum of \$120.00 to be placed by the said Treasurer to the credit of the special fund in his hands ^{to receive the same - payment therefrom} and held by him subject to the orders of this Court ^{whenever made as appears from the face of the} for the payment of the award adjudicated for the taking of said ^{tract.} Tract No. 48.

3.

Costs in this proceeding, but not including attorneys fees,
will be taxed against the State Commission on Conservation and
Development.

Enter:

Atty Judge

32
—
109

Costs in this proceeding, but not including attorneys fees, will be taxed against the State Commission on Conservation and Development.

Enter:

4880	6304
<u>120</u>	<u>176</u>
4760	6480
<u>1600</u>	
6360	6360
	<u>120</u>

PAID
10/1/77

VIRGINIA: IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY

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

Petitioner

V.

CASSANDRA LAWSON ATKINS AND OTHERS,
AND FIFTY-TWO THOUSAND, FIVE HUNDRED
AND SIXTY-ONE (52,561) ACRES OF LAND,
MORE OR LESS.

Defendants

On this day came the State Commission on Conservation and Development the petitioner in the above entitled condemnation proceeding, and Edwin B. Jones, Treasurer of Virginia, by counsel, and exhibited the record herein, including the report of the Board of Appraisal Commissioners appointed herein, and the County Ownership Map filed therewith, in which report the value of Tract No. 48 as shown on said map, less a hundred foot wide strip traversing the same, and known as the Skyline Drive strip, was found and reported to be \$4,760.00, being \$4,880.00 the appraised value of the entire tract, less \$120.00 the value found for the said Skyline Drive strip: the judgment entered herein upon exceptions to these findings, allowing an increase of \$1600.00 on the values ascertained by the Board of Appraisal Commissioners by reason of buildings erected on this tract after its value had been ascertained and reported by the Appraisal Commissioners: the judgment in rem entered herein condemning Tract No. 48, less the said Skyline Drive strip, to the use of the petitioner upon payment into the custody of the Court of \$6,360.00 the amount of the award adjudicated for the taking thereof, being \$4,760.00, the value set thereon by the Appraisal Commissioners, plus \$1600.00 allowed as aforesaid for the newly constructed buildings: the order of this Court setting forth the fact of payment by the State Commission on Conservation and Development of the amount of said award, \$6,360.00, into the custody of the Court by the payment of said amount \$6,360.00 to the Treasurer of Virginia, to be held by him subject to the order of the Court: the distribution order entered June 25, 1935, directing payment by the Treasurer of Virginia to the State Commission on Conservation and Development from the amount of this award in his hands of the sum of \$176.00, pursuant to the terms of a deed conveying said Skyline Drive strip to the Commission, executed June 11, 1931 and recorded in Deed Book 150 at page 64 in the office of the Clerk of this Court, wherein Vernon W. Foltz, the owner of said Tract No. 48, authorized and directed such payment to the Commission from any award adjudicated for the taking of said Tract No. 48 in the course of the above entitled condemnation proceeding: the distribution order entered January 20, 1937, directing payment by the Treasurer of Virginia to Vernon W. Foltz, the former owner of this tract, of the sum of \$6,304.00 from the amount of the said award held by him subject to the order of the Court: and the certificates of the Treasurer of Virginia to the Clerk of this Court setting forth the fact of payment by him of the said sum of \$176.00 to the Commission, and of the said sum of \$6,304.00 to Vernon W. Foltz, a total of \$6,480.00, in obedience to said orders entered respectively June 25, 1935 and January 20, 1937, being \$120.00 more than the sum of \$6,360.00 adjudicated for the taking of Tract No. 48 less the said strip, and paid over to the Treasurer of Virginia as above set forth.

Whereupon, A. C. Carson, Counsel for the State Commission on Conservation and Development and the Treasurer of Virginia, moved the Court for an order directed to the said Vernon W. Foltz and Robert W. Keyser, the attorney who represented him in procuring the entry of the above mentioned distribution order, entered January 20, 1937, directing them and each of them to show cause

why they and each of them should not be required by order of this Court, to refund to the Treasurer of Virginia the sum of \$120.00, on the ground that it appears from the face of the record itself, that the sum of \$6,304.00 paid to Vernon W. Foltz by the Treasurer of Virginia, pursuant to the terms of said distribution order, was \$120.00 in excess of the amount he was entitled to receive from said award, and in excess of the amount in the hands of the Treasurer of Virginia, subject to the orders of this Court distributing the award adjudicated and paid into the custody of the Court for the taking of the lands of the said Vernon W. Foltz.

Upon consideration whereof, and it appearing on the face of the record that the Treasurer of Virginia did in fact pay unto the said Vernon W. Foltz the sum of \$6,304.00, as improvidently directed in said distribution order entered January 20, 1937, which amount was one hundred and twenty dollars (\$120.00) in excess of the amount to which said Foltz was entitled on the face of the record, and also \$120.00 in excess of the amount held by the Treasurer of Virginia subject to the order of this Court on account of the award for the taking of said Tract No. 48; and, it appearing further that the said over payment arose by reason of the failure of Vernon W. Foltz and his counsel to direct the attention of the Court, when they procured the entry of said distribution order dated January 20, 1937, to the fact that the award for the taking of said Tract No. 48, less the above mentioned Skyline Drive strip, as finally adjudicated in the above mentioned judgment in rem, was \$6,360.00 and that the amount of said award paid over to the Treasurer of Virginia by the State Commission on Conservation and Development was \$6,360.00, being one hundred and twenty dollars less than the adjudicated value of said Tract No. 48 in its entirety; and, it appearing further, that the over-payment was directly attributable to the erroneous representation to the Court by Vernon W. Foltz and his attorney, Robert W. Keyser, when said order was entered, that the sum of \$6,480.00 was paid into the custody of the Court by the Commission "as just compensation for said Tract No. 48", whereas the record clearly showed at that time that the sum actually paid by the Commission was \$6,360.00, being the amount of the award as finally adjudicated and set forth in the judgment in rem condemning this tract less the Skyline Drive strip, to the use of the petitioner:-

It is considered, adjudged and ordered that said Vernon W. Foltz and Robert W. Keyser, his attorney as herein set forth, should be and they and each of them are required and directed to show cause in writing, filed with the papers of this proceeding, within twenty days from the entry of this order, why an order should not be entered herein directing them and each of them to pay over to the Treasurer of Virginia the sum of one hundred and twenty dollars alleged to have been paid by the said Treasurer to the said Vernon W. Foltz as hereinbefore set out, in excess of the amount to which the said Vernon W. Foltz was entitled on the face of the record as of the day and date of said alleged over-payment.

The Clerk of this Court is directed to mail forthwith certified copies of this order to the last post office addresses of the said Vernon W. Foltz and Robert W. Keyser, Attorney at Law, disclosed by the record in this proceeding, or if no such addresses are thus of record, to their last known addresses.

Copies mailed
Sept. 15, 1938
sent
rwB
M. B. ... D.C.
Vernon W. Foltz
R. F. D.
Shenandoah
va.
27
488

Estimate of the cost of Filling Station for Vernon W. Foltz.

In Park Area near Elkton, Virginia.

By Mims, Speake & Company,
Luray, Virginia.

33 cu. yds-	Excavation	.75	\$ 24.75
33 cu.yds--	Concrete walls & floors	8.00	280.00
484 sq.ft.-	Top finish	4	19.36
4192 ft	- Framing @	2.00	83.84
Stairway	-		15.00
3000 ft.	- Sheeting & stone siding	2.00	60.00
14 sqs	- Slate coated shingles	6.00	84.00
136 yds.	- Plastering	.50	68.00
156 "	- Stucco metal lath	1.00	156.00
1261 ft.	- B & B Beaded Clg @	3½	44.13
725 "	- Flooring @	4½	32.62
1- Door	- 2/8 x 6/8 1 3/8 Glass	10.00	10.00
2- Door	- 2/8 x 6/8 " 5 x panel	8.50	17.00
1- Door	- 2/6 x 6/6 " " "		8.25
4- Windows-	10/16 12 Lt 1 1/8	7.25	29.00
2- Sash	- 8x 10 6 " " "	5.00	10.00
3- Sash	- 10/x 12	3.00	9.00
1- Garage door	7-0 x 6-6 Bat.		15.00
227	Cornice material	6¢	13.62
148 lin. ft.	2 1/2 Crown Mould	3¢	4.44
302 ft.	- Ceiling B & B	3½	10.57
604 ft.	- " B & B		21.14
Hardware	-		4.35
300 #	nails	4¢	12.00
810	Brick In chimney	.30	24.30
2	Thimbles		.30
	Flashing chimney		1.00
	Counter & Shelving		20.00
	Electric Wiring		40.00
120 lin. ft.	Base	8¢	9.60
Labor- Carpenter			160.00
			<u>\$1287.27</u>

Ins. Overhead and Profit 10%

124.72
\$1411.99 - Fic Sta
 691.28 - 2 Cottages
 107.77 - 1 Cottage

Filed with the evidence Total \$ 2211.04

The State Commission on Conservation of the
 State of Virginia, Petitioners

v-
 Cassandra L. Atkins et al, Defendants

In re: Motion to Dismiss of Vernon W Foltz

Estimate of the cost of Filling Station for Vernon W. Foltz.

In Park Area near Elkton, Virginia.

By Mims, Speake & Company,
Luray, Virginia.

33 cu. yds-	Excavation	.75		\$ 24.75
33 cu.yds--	Concrete walls & floors	8.00		280.00
484 sq.ft.-	Top finish	4		19.36
4192 ft.	Framing	2.00		83.84
Stairway				15.00
3000 ft.	Sheating & stone siding	2.00		60.00
14 sqs	Slate coated shingles	6.00		84.00
136 yds.	Plastering	.50		69.00
156 "	Stucco metal lath	1.00		156.00
1261 ft.	B & B Beaded Clg	3 1/2		44.13
725 "	Flooring	4 1/2		32.62
1- Door	2/8 x 6/8 1 3/8 glass	10.00		10.00
2- Door	2/8 x 6/8 " 5 x panel	8.50		17.00
1- Door	2/6 x 6/6 " " "			8.25
4- windows-	10/16 12 Lt 1 1/8	7.25		29.00
2- Sash	8x 10 6 " " "	5.00		10.00
3- Sash	10/x 12	3.00		9.00
1- Garage door	7-0 x 6-6 Bat.			15.00
227	Cornice material	6 1/2		13.62
148 lin. ft.	2 1/2 Crown mould	3 1/2		4.44
302 ft.	Ceiling B & B	3 1/2		10.57
604 ft.	" B & B			21.14
Hardware				4.35
300 #	nails	4 1/2		12.00
810	Brick In chimney	.30		24.30
2	Thimbles			.30
	Flashing chimney			1.00
	Counter & Shelving			20.00
	Electric Wiring			40.00
120 lin. ft.	Base	8 1/2		9.60
Labor- Carpenter				160.00
				<u>\$1287.27</u>
Ins. Overhead and Profit 10%				124.72
				<u>\$1411.99</u>

Estimate of the cost of Filling Station for Vernon W. Foltz.
 In Park Area near Elkton, Virginia.

By Mims, Speake & Company,
 Luray, Virginia.

33 cu. yds-	Excavation	.75	
33 cu.yds--	Concrete walls & floors	8.00	
484 sq.ft.-	Top finish	4	
4192 ft.	- Framing	2.00	
Stairway	-		
3000 ft.	- Sheating & stone siding	2.00	
14 sqs	- Slate coated shingles	6.00	
136 yds.	- Plastering	.50	
156 "	- Stucco metal lath	1.00	
1261 ft.	- B & B Beaded Clg	3½	
725 "	- Flooring	4½	
1- Door	- 2/8 x 6/8 1 3/8 glass	10.00	
2- Door	- 2/8 x 6/8 " 5 x panel	8.50	
1- Door	- 2/6 x 6/6 " " "		
4- windows-	10/16 12 Lt 1 1/8	7.25	
2- Sash	- 8x 10 6 " " "	5.00	
3- Sash	- 10/x 12	3.00	
1- Garage door	7-0 x 6-6 Bat.		
227	Cornice material	6¢	
148 lin. ft.	2 1/2 Crown Mould	3¢	
302 ft.	- Ceiling B & B	3½	
604 ft.	- " B & B		
Hardware	-		
300 #	nails	4¢	
810	Brick In chimney	.30	
2	Thimbles		
	Flashing chimney		
	Counter & Shelving		
	Electric Wiring		
120 lin. ft.	Base	8¢	
Labor- Carpenter			160.00
			<u>\$1287.27</u>
Ins. Overhead and Profit 10%			124.72
			<u>\$1411.99</u>

Estimate of the cost of Cottage for Vernon W. Foltz.
 2 Cottages like this 12'-0" x 20'-0"
 In Park Area near Elkton, Virginia.

By Mims, Speake & Company,
 Luray, Virginia.

9----	Piers & Excavation	.20	\$ 1.80
899--	ft. Framing Lumber	2.00	17.98
550--	" Sheating	2.00	11.00
600--	" Flooring	4.50	27.00
115--	yds. Plaster	.50	57.50
6----	Sqs. Roofing	6.00	36.00
64---	lin. ft. Socia	3¢	1.92
380--	Brick @	.30	11.40
2 --	Thimbles	.15	.30
	Flashing		1.00
	Porch Columns 3 4 x 4"	.50¢	1.50
4	Windows	4.50	18.00
3	Doors	7.00	21.00
2	Closet doors	2.00	4.00
	Closet shelves		1.00
9---	Stone piers	.50¢	4.50
	Electric wiring		10.00
714--	ft. Rough Siding	3.00	21.42
3--	Locks (mortice)	.65	1.95
3--	Pr. Butts	.20	1.60
	Locks & Lifts		.60
75 #	Nails	5¢	3.75
	No Painting		
	Labor- Carpenter		60.00
			<u>\$314.22</u>

Insurance, Overhead & Profit

31.42
\$345.64

Single Cottage. 8'-0" x 12'-0"

2
691.28

	Excavation & Foundation		\$ 2.00
428--	ft. Framing Lumber @	2.00	8.56
234--	ft. Sheating	2.00	4.68
116--	ft. Framing for Porch	2.00	2.32
376--	ft. Wall Boards	4¢	15.04
2-----	Windows 8/10 9 Lt.	4.00	8.00
1-----	Door @	5.00	5.00
	Hardware		1.00
20#-----	Nails		1.00
125-----	Brick	3	3.75
34-----	Lin.ft. facia		.68
2½ sqs	Compo. Roofing	2.00	5.00
365----	ft. Siding Rough	3.00	10.95
	No Paint		
	Carpenter- Labor		30.00
			<u>\$97.98</u>

Insurance- Overhead & Profit

9.79
\$107.77

Estimate of the cost of Cottage for Vernon W. Foltz.
 2 Cottages like this 12'-0" x 20'-0"
 In Park Area near Elkton, Virginia.

By Mims, Speake & Company,
 Luray, Virginia.

9----	Piers & Excavation	.20	\$ 1.80
899--	ft. Framing Lumber	2.00	17.98
550--	" Sheating	2.00	11.00
600--	" Flooring	4.50	27.00
115--	yds. Plaster	.50	57.50
6----	Sqs. Roofing	6.00	36.00
64---	lin. ft. Socia	3¢	1.92
380--	Brick @	.30	11.40
2 --	Thimbles	.15	.30
	Flashing		1.00
	Porch Columns 3 4 x 4"	.50¢	1.50
4	Windows	4.50	18.00
3	Doors	7.00	21.00
2	Closet doors	2.00	4.00
	Closet shelves		1.00
9---	Stone piers	.50¢	4.50
	Electric wiring		10.00
714--	ft. Rough Siding	3.00	21.42
3--	Locks (mortice)	.65	1.95
3--	Pr. Butts	.20	.60
	Locks & Lifts		.60
75 #	Nails	5¢	3.75
	No Painting		
	Labor- Carpenter		60.00
			<u>\$314.22</u>
	Insurance, Overhead & Profit		31.42
			<u>\$345.64</u>

Single Cottage. 8'-0" x 12'-0"

	Excavation & Foundation		\$ 2.00
428--	ft. Framing Lumber @	2.00	8.16
234--	ft. Sheating	2.00	4.68
116--	ft. Framing for Porch	2.00	2.32
376--	ft. Wall Boards	4¢	15.04
2-----	Windows 8/10 9 Lt.	4.00	8.00
1-----	Door @	5.00	5.00
	Hardware		1.00
20#-----	Nails		1.00
125-----	Brick	3	3.75
34-----	Lin.ft. facia		.68
2½ sqs	Compo. Roofing	2.00	5.00
365----	ft. Siding Rough	3.00	10.95
	No Paint		
	Carpenter- Labor		30.00
			<u>\$97.98</u>
	Insurance- Overhead & Profit		9.79
			<u>\$107.77</u>

Estimate of the cost of Cottage for Vernon W. Poltz.
 2 Cottages like this 12'-0" x 20'-0"
 In Park Area near Elkton, Virginia.

By Mims, Speake & Company,
 Luray, Virginia.

9----	Piers	Excavation	.20	\$ 1.80
899--	ft.	Framing Lumber	2.00	17.95
550--	"	Sheating	2.00	11.00
600--	"	Flooring	4.50	27.00
115--	yds.	Plaster	.50	57.50
6----	Sqs.	Roofing	6.00	36.00
64---	lin. ft.	Socia	3¢	1.92
380--	Brick		.30	11.40
2 --	Thimbles		.15	.30
	Flashing			1.00
	Porch Columns	3 4 x 4"	.50¢	1.50
4	Windows		4.50	18.00
3	Doors		7.00	21.00
2	Closet doors		2.00	4.00
	Closet shelves			1.00
9---	Stone piers		.50¢	4.50
	Electric wiring			10.00
714--	ft.	Rough Siding	3.00	21.42
3--	Locks (mortice)		.65	1.95
3--	Pr. Butts		.20	.60
	Locks & Lifts			.60
75 #	Nails		5¢	3.75
	No Painting			
	Labor- Carpenter			60.00
				<u>\$314.22</u>

Insurance, Overhead & Profit

31.42
\$345.64

Single Cottage. 8'-0" x 12'-0"

	Excavation & Foundation			\$ 2.00
428--	ft.	Framing Lumber	@ 2.00	8.56
234--	ft.	Sheating	2.00	4.68
116--	ft.	Framing for Porch	2.00	2.32
376--	ft.	Wall Boards	4¢	15.04
2-----	Windows	8/10 9 Lt.	4.00	8.00
1-----	Door		@ 5.00	5.00
	Hardware			1.00
20#-----	Nails			1.00
125-----	Brick		3	3.75
34-----	Lin.ft.	facia		.68
2½	sqs	Compo. Roofing	2.00	5.00
365----	ft.	Siding Rough	3.00	10.95
	No Paint			
	Carpenter- Labor			30.00
				<u>\$97.98</u>
	Insurance- Overhead & Profit			9.79
				<u>\$107.77</u>

A. C. CARSON
ATTORNEY AND COUNSELLOR-AT-LAW
RIVERTON, VIRGINIA

November 10, 1938

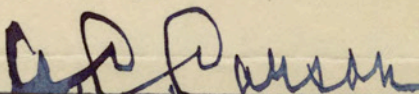
Mr. J. Robert Switzer, Clerk
Circuit Court of Rockingham County
Harrisonburg, Virginia

Order to show cause in claim of
Treasurer of Virginia for refund
against Messrs. Keyser and Foltz.

Dear Sir:

Be good enough to furnish me with copy of response of defendants to the order to show cause why they should not make refund in Park Condemnation Case of over-payment claimed by Treasurer of Virginia, and to send bill for services direct to Colonel Richard A. Gilliam, Executive Secretary and Treasurer, Virginia Conservation Commission, Richmond, Virginia, together with the enclosed signed carbon copy of this letter which will serve as voucher and authority for the rendering of this service.

Yours truly,


A. C. Carson, Special Counsel,
Virginia Conservation Commission.

ACC:VCT

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VA.

STATE COMMISSION ON CONSERVATION AND DEVELOPMENT
OF THE STATE OF VIRGINIA

vs

CASSANDRA LAWSON ADKINS and others
and 52,561 acres of land, more or less.

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

SEP 30 1938

Robert Switzer Clerk

Filed by order
9/30/38 - 32/511.

ANSWER

For answer as required by a decree entered in the Circuit Court of Rockingham County on September 10, 1938 in the above matter requiring Vernon W. Fultz and Robert W. Keyser to show cause in writing within twenty days from the entry of said decree why an order should not be entered, directing them and each of them to pay over to the Treasurer of Virginia the sum of One Hundred Twenty Dollars (\$120.00) alleged to have been paid by the Treasurer to the said Vernon W. Fultz in excess of the amount to which the said Vernon W. Fultz was entitled on the face of the records in the above entitled matter as set out in said decree. The said Vernon W. Fultz and Robert W. Keyser do answer, jointly and severally, and say: That:

1. The report of the Appraisal Commission filed in the above matter shows that there was allowed for the strip of land deeded to the State Conservation Commission for the use of the Skyline Drive One Hundred Twenty Dollars (\$120.00) and that the award for the residue of the land taken from the said Vernon W. Fultz was Four Thousand Eight Hundred and Eighty Dollars (\$4880.00).

2. That it is ~~set~~ out in said decree that the said Vernon W. Fultz did deed to the State Conservation Commission

2.

a strip of land to be used for the construction of the Skyline Drive for the sum of Two Hundred Ninety-Six Dollars (\$296.00) and therein agree that said sum of Two Hundred Ninety-Six Dollars should be deducted from the final award, or final judgment, entered in this matter.

2. The said Vernon W. Fultz and Robert W. Keyser do therefore respectfully submit to the Court that the total amount of the award, including the strip of land taken for the Skyline Drive purposes, makes Five Thousand Dollars (\$5,000) to which, as the records disclose, should be added the sum of Sixteen Hundred Dollars (\$1600.00) allowed said Vernon W. Fultz on exceptions filed to said Commissioner's report, making a total award of Sixty Six~~ty~~ Hundred Dollars (\$6600.00), and after deducting the sum of Two Hundred ^{twenty-six} ~~Sixty-Four~~ (\$296.00) being the amount received by the said Vernon W. Fultz for said Skyline Drive strip, it leaves a balance of Sixty Three Hundred and Four Dollars (\$6304.00), the amount paid to said Vernon W. Fultz from the Treasurer of Virginia.

3. That from an examination of the record in the above matter relative to the tract of land belonging to the said Vernon W. Fultz, we find that a judgment was entered on the above set out award, and that by an order entered, there was to be deducted the sum of One Hundred and Seventy-Six Dollars (\$176.00) for said Skyline Drive strip.

We respectfully submit to the Court that after deducting the said \$176.00 from the judgment entered on this award and on the exceptions that it leaves a balance of Sixty Three Hundred and Four Dollars (\$6304.00) the amount paid to the said Vernon W. Fultz. We would further say to the Court that apparently the \$120.00 allowed for the Skyline Drive strip by said Commissioners was deducted from the sum of \$296.00, hence the order entered by the Court allowing a deduction from said award of \$176.00.

Therefore, the said Vernon W. Fultz and Robert W. Keyser ~~for~~ answer to said decree by saying that the records do not disclose any error or any over payment to the said Vernon W. Fultz and that the Treasurer of Virginia is not entitled to any refund from the said Vernon W. Fultz.

Respectfully submitted,

Vernon W. Fultz
Robert W. Keyser