IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

Petitioner,

VS.

Cassandra Lawson Atkins, and others,

Defendants.

62

On this, the 16th day of April, 1934, came R.A. Breeden, and, on his motion. leave is given him to file his application for the payment to him of the sum of \$265.00, the amount of the award set out in the judgment of condemnation for Tract No. 364 and heretofore paid into court. And it appears from the report of the Board of Appraisal Commissioners heretofore filed in this cause and in the petition for judgment and condemnation entered herein on the /6 day of 1933, that, in the opinion of the petitioner, Elmer Lamb was invested with a superior or better right or claim of title in and to the said tract of land No. 364 in which his mother, Ada M. Lamb, had a life estate and Elmer Lamb the remainder in fee simple. It further appears to the Court that the said Ada M. Lamb and Elmer Lamb have conveyed by deed the said tract No. 364 to the petitioner, R.A. Breeden, which deed is filed with the papers in this cause, the same having been admitted to record in the Clerk's Office of this Court. It further appears to the Court that the record of this cause does not disclose any denial or dispute by any party or person in interest as to the title to said tract No. 364 or to the proceeds arising from the condemnation thereof. And it further appears to the Court that all taxes due or taxable upon the said tract of land No. 364 have been paid.

Upon consideration whereof, it is considered and ordered by the Court that the said sum of \$265.00, paid into Court by petitioner as just compensation for tract No. 364, be paid to R.A. Breeden, 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 R.A. Breeden of Stanardsville, Virginia, the said sum of \$265.00, taking from the said R.A. Breeden receipt therefor and certifying such payment to the Clerk of this Court for appropriate entry thereof as required by law. Cassandra Lawson Atkins and others ----- Aespondents.

To the Honorable H.W. Bertram , Judge of said Court.

Your petitioner R.A.Breeden respectfully represents: That a judgment in rem has heretofore been enter condemning to the use of the petitioner the fee simple estate in a tract or parcel of land formerly the property of Elmer Lamb situate on the summit of the Blue Ridge mountain lying partly in Greene County and partly in Rockingham County in the state of Virginia. The portion of this tract of land kying in Rockingham County is described in the report of the Board of Appraisal Commissioners and shown,numbered, and delineated on the county ownership map filed in the Clerk's office of this court as Tract +0.364 containing 13 acres at the price of \$265.00.

Your petitioner shows unto the court that this said tract of land was condemned in the name of Elmer Lamb but that the said Elmer Lamb has conveyed the said land to your petitioner R.A.Breeden by deed which has been duly recorded in the Clerk's office of the circuit Court of Greene County, in D.B.No.22 at page 403, a certified copy of which is herewith filed as Exhibit A and asked to be read as a part hereof; said deed is also recorded in the clerk's office of this court in D.B.157 at page 137. Your petitioner further shows unto the court that this is a part of a larger traction of land which was owned in fee simple by Catherine Beasley from whom the title is traced as follows:

Catherine Beasley died intestate leaving eight children whose names are as follows : Sarah (who became the wife of William Roach) , Mary Warble (nee Beasley), Anderson Beasley, Columbia Beasley, Mebecca S.Shiflett (nee Beasley) James I.Beasley, Ophelia Rodgers finee Beasley) and Tish Lamb (nee Beasley).

Your petitioner purchased and secured a deed to one half of the said Catherine Peasley tract of land containing one hundred and fifty acres

Going back to the Elmer Lamb title, the other half of said tract of land was held by James W. Warble under deeds from the following children of Catherine Beasley: Sarah Roach (nee Beasley) and her husband William Roach conveyed to James Warble all their undivided interest in a tract of land formerly owned by Catherine Beasley which deed is of record in the clerk's office of Greene County in D.B.No.6 p.127, a certified copy of which is herewith filed as Exhibit B and is asked to be read as a part hereof; Ophelia Rodgers (nee Beasley) and her nusband Edward Rodgers conveyed to James W. Warble all their right, title, and interest in and to that certain tract of land of which the late Catherine Beasley died seized and possessed lying on top of the Blue Ridge Mountain by deed, a certified copy of which is herewith filed and asked to be read as a part hereof as Exhibit C. James W.Warble purchased from Tish Lamb (nee Beasley) her interest in the Catherine Beasley tract of land and paid her for the same, and your petitioner files herewith two affadavits of witnesses to the purchase of said interest as well as the payment of the purchase price, and the said affadavits further prove that James W.Warble has remained in KXXXXXXXXX peaceable possession of the said land for over forty years but owing to the death of Tish Lamb soon after the purchase she never made a deed to James W.Warble for her interest in said tract of land. The affadavits are filed herewith as Exhibits D and E and are asked to be read as part hereof.

Your petitioner further shows unto the court that Mary Warble (nee Beasley) the wife of James W.Warble did not convey her interest in the said Catherine Beasley land to her husband but after his death she is joined with the heirs of James W.Warble in a deed which conveyed to John Lamb one half of the whole Catherine Peasley tract of land; a certified copy of which is herewith filed and asked to be read as a part

Your petitioner further shows unto the court that John Lamb devised this property in his last will and testament which has been probated in the Clerk's office of the circuit court of Greene County to Ada M.Lamb his wife for life and at her death to his son Elmer Lamb in fee simple, a certified copy of which is herewith filed and asked to be read as a part hereof, as Exhibit G.

Your petitioner further shows unto the court that Ada Lamb the life tenant mentioned in said will is still living but that she has XXXXEX united and joined in the deed from Elmer Lamb to your petitioner conveying to your petitioner the said tract of land.

Your petitioner further alleges that the Board of Appraisal Commissioners in its report state⁵ that the deed call⁵ for 75 acres more or less but from ties obtained it was found that the tract contained 91 acres in both counties. Your petitioner further alleges that the Board of Appraisal Commissioners found that the portion of the said tract lying in Greene County contained 78 acres and valued the same at \$1670.00 and that the said Board found that the portion of said tract lying in Rockingham County contained 15 acres and valued the same at \$265.00.

Your petitioner further shows unto the court that the whole tract of 75 acres more or less owned by Elmer Lamb and lying in both Greene and Rockingham Counties has been assessed for taxes in Greene and that all taxes upon the said property have been paid to and includthe year 1933 and he files certificates to this effect from J.F.Early Treasurer of Greene County, Virginia, and from B.I.Bickers, clerk of the circuit court of Greene County, Virginia, which certificates are marked Exhibits J and H and the same are asked to be read as a part hereof.

Your petitioner further alleges that there are no liens by judgment, deed of trust, or of any other sort or description binding said land aforesaid condemned in this proceeding and that no party other than your petitioner is entitled to share in the distribution of said award.

Your petitioner further shows unto the court that he has filed his application for payment for the portion of said tract lying in Greene

County and under order of the court of said county he has already received compensation for that portion of his land.

Wherefore your petitioner prays that he may be xxxxxx made a party herein and be allowed to file his petition in these proceedings and that the value war of said tract of land No.364 to-wit: \$265.00 be ardered and directed to be paid over to him and that all orders and decrees necessary to that end be entered by the court in this proceeding and that general relief be granted unto him and as in duty bound he will ever pray.

M. a. Parudin

Virginia, Greene County to-wit:

This day R.A.Breeden personally appeared before me John S.Chapman, a Commissioner in Chancery for the Circuit Court of Greene County, Virginia, and being duly sworn deposes and says that the allegations in said petition are true to the best of his knowledge, information , and belief.

R. G. Bruchen

Subscribed and sworn to before me on this the 24 day of March, 1934, in my county and state aforesaid.

John L. Chapmon John S. Chapmon

This deed made and entered into this the 21st day of April 1933 by and between Ada M.Lam (widow) Elmer lamb and Mamie Lamb his wife parties of the first part and R.A.Breeden party of the second part;

Whereas the said parties of the first part are desirous to convey the said land to R.A.Breeden; Now therefore this deed;

That for and in consideration of the sum of \$1200.00 cash in hand paid by the party of the second part, and the assuming of a trust deed \$700.00 on said land. They the said parties of the first part, do grant, bargain, sell and convey and have by these presents, with general warranty of title, granted, bargained, sold and conveyed unto the said R.A.Breeden all that certain tract or parcel of land heretofore mentioned and described in this deed and being all the land of which the late John E.Lamb died seized and possessed on the Blue Ridge Mountain, containing by recent survey by Park Commissioners, 91 acres more or less.

To have and to hold the said land unto him the said R.A.Breeden unto him and his heirs forever.

Witness the hands and seals of the following parties.

Ada M.Lam (SEAL) Elmer Lam (SEAL) Mamie (SEAL)

Virginia, Greene County, to-wit:

I, B.I.BIckers, Clerk of the circuit court of the county of Greene in the state of Virginia, do certify that Ada M. Lam, Elmer Lam and Mamie F.Lam whose names are signed to the foregoing deed bearing date on the 21st day of April 1933, have each acknowledged the same before me in my county and state aforesaid.

Given under my hand this the 22nd day of April 1933.

B.I.Bickers Clerk

Virginia.

In the clerk's Office, Greene County Circuit Court 12th day of July 1933 this deed was this day filed in the office aforesaid and with the certificate annexed admitted to record.

> Teste R.W.Bickers, deputy for B.I.Bickers, Clerk.

A copy Teste AluBickens, BABickens Nerain Clerk.

Exhibit A

Deed Book No.22 at page 403.

This deed made this the 24 day of April eighteen hundred and seventy four between Wm.M.Roach and Sarah his wife of the first part and James W.Warble of the second part all of Greene County state of Va. Witnesseth that in consideration of forty dollars to them in hand paid by the said Warble the receipt whereof is hereby acknowledged the said Wm.M.Roach and Sarah his wife hereby grant unto to the said Jas.W.Warble with general warranty the following real estate to-wit: All of their undivided interest in a tract of land formerly owned by Catherine Beasley now in the possession of Milton Beasley and adjoining the lands of Polly Shiflett, P.C.Showacre, and Robert Gibbons.

Witness the following signatures.

Wm. M. x Roach (SEAL) mark Sarah x Roach (SEAL) mark

State of Virginia.

Greene County, to-wit:

Personally appeared before me Wm.M.Roach and Sarah Roach his wife and after having the above deed read and explained separately and apart from each other and acknowledged same to be their act and deed and wish not to retract given under my hand this the 24 day of April 1874.

L.B.McMullan J.P.

In the Clerk's Office of Greene County Court 10 March 1875, a deed from Wm.M.Roach and Sarah Roach to James W.Warble is filed and being acknowledged before L.B.McMullan a justice of the peace is admitted to record.

Teste Wm T. Sims Cl'k.

A copy teste of the original deed filed in the clerk's office of the circuit Court of Greene County, Virginia, along with the petition of R.A.Breeden concerning Tract No.184 in the condemnation proceedings styled: The State Commission on Conservation and Development of the State of Virginia V. Armentrout, C.E. and others.

AMBickens, Deputy for BBickens, Clerk

This deed is recorded in the Clerk's office of Greene County Circuit Court in Deed Book No.6 at page 127.

Exhibit E

This deed made the 15th day of April in the year 1893, between Ophelia Rogers and Edward Rogers her husband of the county of Rockingham and state of Virginia, parties of the first part and James W. Warble of the county of Greene and state aforesaid party of the second part WITNESSETH that for and in consideration of the sum of ninety dollars (\$90.00) cash in hand paid unto the said parties of the first part by the said James W. Warble the receipt whereof is hereby acknowledged the said Ophelia Rogers and Edward Rogers her husband do grant and convey unto the said James W.Warble with general warranty all their right, title, and interest in and to that certain tract or parcel of land of which the late Catherine Beasley died siezed and possessed lying on or near the top of the Blue Ridge Mountains near Swift Run Gap in the counties of Greene and Rockingham adjoining the lands of Mary C.Shiflett, Robert Gibbons' heirs and others, Witness the following

signatures and seals.

her Ophelia x Rogers. (SEAL) mark his x Rogers (SEAL) Edward mark

County of Rockingham, to-wit:

I, J. Hughes a notary public for the county aforesaid in the state of Virginia do certify that Ophelia Rogers and Edward Rogers her husband whose names are signed to the writing hereto annexed, bearing date the 15th day of April 1893 have acknowledged the same before me in my county aforesaid. Given under my hand this 15th day of April 1893.

J.E.L.Hughes N.P.

Virginia

In the clerk's office of Greene County Court 13th day of June 1894. This deed from Ophelia Rogers and Edward Rogers to James Warble was this day filed in the office aforesaid and being duly acknowledged is together with the certificate therewith admitted to record.

Teste Z.K.Page Clerk

A Copy Teste AM Sickers, Sepuly for page 79. <u>De Bickers</u> Clerk

70

Recorded in Deed Book No.10 at page 79.

Echibit C.

Virginia :

Greene County, to-wit:

I. Rebecca Beasley do declare under oath that I am a grand daughter of the late Catherine Beasley and a brother in law of James W. Warble and lived in the old home house on the same tract of land on which James W.Warble lived and I distinctly remember distinctly when William Lam came to James W.Warble's house and got a mare and her colt which was his purchase prize for interest or share of Tisch Lam in the Catherine Beasley tract of land, I heard James W.Warble say a number of times that he gave Tish Lam a mare and colt for her share in the said tract of land, This was more than forty years ago and since Tish Ham's death I heard William Lam at James Warble's house tell James Warble to have the deed prepared for Tish Lam's interest and he was ready to x sign it at any time. But William died a short time after that and the deed was never made. James W.Warble has remained in quiet and peaceable possession of the said land for more than forty years cultivating and using the same just as people generally do with their land. Given under my hand this the 29th day of July 1933. Witness: John S.Chapman.

her Rebecca x Beasley mark

Virginia:

Greene County, to-wit:

I, John S. Chapman, a commissioner in Chancery for the circuit court of Greene County Virginia do certify that Rebecca Beasley whose name is signed to the foregoing affadavit this day appeared before me in my said county and made oath in due form of law that the statements in said affadavit contained are true to the best of her knowledge, information and belief. Given under my hand this the 29th day of July 1933.

John S. Chapman Commissioner in Chancery. A true copy of an affadairt filed with the petition of R. A Breeden concerning the Elmer Dan land in the park Area Ano Dickens, Seputy for

Exhibit D.

I. Columbia Beasley now of the county of Albemarle but formerly of the county of Greene and state of Virginia do declare under oath that I was a sister of the late Mary Warble and I lived for many years with her and her husband the late James W. Warble whose dwelling was located in Greene on the summit of the Blue Ridge Mountain near the Rockingham County line, that about forty years ago at the house of J.W.Warble, I was a witness to the sale made by my sister Tish Lam and her husband William Lam of the share belonging to the said Tish Lam in the tract of land which belonged to the late Catherine Beasley, she inherited one eighth of that tract which was undivided and this she sold to James W.Warble at the price of fifty dollars and she instead of taking fifty dollars took a mare and colt for her interest in said land, I saw her husband Billie Lam take the mare and colt into his possession and leave the farm with them, I know that James W. Warble remained in peaceable possession of the said land from that date and prior thereto up to the date of his death, and that he resided on said land at the time of his death, and I know further that the children of Tish Lam have never claimed any interest in said land since the their mother sold the same to James W. Warble. and James W.Warble and those claiming under him have been in quiet and peaceable possession of the said land for the last forty years and more;. Soon after Tish Lam sold her interest in the said land she died without having made a deed to the same. I know that she and her husband intended to make James W.Warble a deed to her interest in said land. Given under my hand this the 29th day of July 1933. Columbia X Beasley. Witness: John S.Chapman.

I, John S.Chapman a commissioner in Chancery for the circuit court of Greene county Virginia do certify that Columbia Beasley whose name is signed to the foregoing affadavit this day appeared before me in my county and state aforesaid and made oath that the statements in the same contained are true to the best of her information and belief. Given under my hand this the 29th day of July 1933.

John S.Chapman Commissioner in Chancery.

A true copy of an affadaint filed with the petition of R. A Breider concerning the Elmer Lamb land in The Park Area All Bickens, Deputy for Bickens, Deputy for

Exhibit E.

Whereas the said J.W.Warble deceased left as his heirs the widow Mary Warble and three children Viz: J.W.E.Warble, Josephine Rogers (ngc) (nee Warble) and Ada M.Lam (nee Warble) and

Whereas there has been no partition or division of the said real estate among the said heirs of the said J.W.Warble deceased, and

Whereas the said J.W.E.Warble on the 11th day of September 1920 purchased the entire interest of the said Josephine Rogers in the whole of the real estate of which the said J.W.Warble died seized possessed as shown by deed duly of record in the clerk's office of Rockingham County Virginia in Deed Book No.118 at page 70, and

Whereas the said Mary Warble and J.W.E.Warble and Virginia A.Warble his wife have sold unto the said John E.Lam all their interest in **xx** the real estate of which the said John E.Lam died possessed lying on the Blue Ridge Mountain in the counties of Greene and Rockingham and hereinafter more specifically described and

Whereas the said Mary Warble widow of the said J.W.Warble owns certain interest in said land hereinafter conveyed aside from her dower or as widow of the said J.W.Warble, this additional interest being that which she inherited from the Catherine Beasley Estate, and she the said Mary Warble unites in this deed for the purpose of conveying to the said John E.Lam her entire interest of every kind in said real estate;

Now therefore in consideration of One Hundred dollars cash in hand paid by the party of the second part, and for Nine Hundred dollars to be paid on or before five years after date to this deed as is evidenced by a certain bond bearing even date with this deed executed by the said John E.Lam and payable to the said J.W.E. Warble on or before five years after date in the sum of Nine Hundred dollars with interest **f** from date, and to secure the payment of the said nine hundred dollars a

vendors lien is hereby expressly retained by the said J.W.E.Warble on the land herein conveyed, the receipt of the cash payment being hereby acknowledged by the said parties of the first part, before the sealing and delivery of these presents, the said parties of the first part doth grant and convey with special warranty of title unto the party of the second part all rights titles interest or claim, which is the undix vided interest of the said J.W.E.Warble and Virginia A.Warble in the real estate of which the said J.W.E.Warble died seized possessed, and all interest of the said Mary Warble both as heir of the said J.W.Warble and to include all other interest of the said Mary Warble in said land whether acquired by inheritance from Catherine Beasley or others, in xx and to that part of the real estate left by, the said J.W.Warble at his of which first parts of the same more or less, together with all appurtenances thereto belonging.

Witness the following signatures and seals.

Witness H.B.C.Gentry

her Mary x Warble (SEAL) mark J.W.E.Warble (SEAL)

her Virginia A. x Warble (SEAL) mark

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

I, H.B.C.Gentry a notary public in and for the County aforesaid whose commission expires of the 6th day of January 1924, do certify that Mary Warble, J.W.E.Warble and Virginia A.Warble whose names are signed to the foregoing deed bearing date on the 18th day of November 1922, personally appeared before me and acknowledged the same in my county aforesaid.

Given under my hand this the 18th day of November 1922.

H.B.C.Gentry N.P.

Virginia,

aucht F.

In the clerk's office Greene County Circuit Court, the 23rd day of November xxxx 1922, this deed was this day filed in the office afore

said and with certificates annexed, admitted to record.

Teste B.I.Bickers, Clerk

A Copy Teste

Recorded in Deed Book No.20 at page 7.

The vendor's lien reserved in this deed has been duly released.

To the Hon.Lemuel F.Smith, Judge of the Circuit Court of Greene County, Virginia,

I, B. I. Bickers, Clerk of the Circuit Court of Greene County, Virginia. do certify that there are no delinquente taxes on the lands, designated in the National Park Area and on the Ownership Map as Tract No. 184 Green Co Va searched bach to 1902 on the said tract of land. Given under my hand this the 15 day of Much 1934. B Junglerk. Eighilit g.

Schuhit H.



Greene County, Virginia

OFFICE OF COUNTY TREASURER COURT HOUSE STANARDSVILLE, VIRGINIA

To Judge Bertram, Judge of the Circuit Court of the County of Rockingham. Virginia:

This is to certify that John E.Lamb's Estate lying in Swift Run Gap is assessed for taxes in Greene County upon 75 acres and that there are no unpaid taxes upon the said land in my office.

Given under my hand this the 15th day of March, 1934.

Treasurer of Greene County, Virginia.

Exhit H.

Will of John E.Lam

In the name of God, Amen;

I, John E.Lam, of the county of Greene in the state of Virginia, being of sound mind and knowing the uncertainty of life and the certainty of death make this to be my last will and testament.

(Item first) after my death it is my desire and I **s** so direct that my executrix hereinafter named pay all my just debts and funeral expenses .

(Item \$econd) After my just debts and funeral expenses are paid I give to my beloved wife Ada M.Lam,all my estate both real estate and personal property during her klife or as long as she remains my widow should she marry she is to have only one-third of my estate.

(Item third) After the death Active of my wife Ada M. Lam, or if she marries, I give to my son ,James E.Lam all my estate both real estate and personal property but he is to pay to my daughter Hattie McDaniel one dollar and pay to my daughter Lizzie McDaniel one dollar out of my estate .

(Item Fourth) I hereby appoint my wife Ada M.Lam, executrix of this my last will and ask the court to allow her to qualify as such without surety.

Given under my hand and seal this fourth day of May, 1928.

John E.Lam (SEAL)

We John K. Haney and D.C. Deane,

Witnesses the above will of John E.Lam, and signed the same in our joint presence and we witness the same in the presence of said John E.Lam and at his request the 4th day of May ,1928.

Witness John K. Haney

D.C.Deane

Virginia:

In the Clerk's Office of Greene County circuit court 7th day of June 1928, in the presence of the clerk thereof;

A paper writing purporting to be the last will and testament of John E.Lam, deceased, dated the 4th day of May, 1928, purporting

to be the last will and testament of John E.Lam and proven by the oath of John K.Haney and D.C.Deane the subscribing witnesses thereto that they in the presence of each other and in the presence of the the testator and at the request of the testator subscribed our names as witnesses thereto and they further testified that at the time of signing said paper writing the testator was of sound mind and capable of making a will. Whereupon it is ordered that the said paper writing, probated and recorded as the last true will and testament of John E. Lam, deceased.

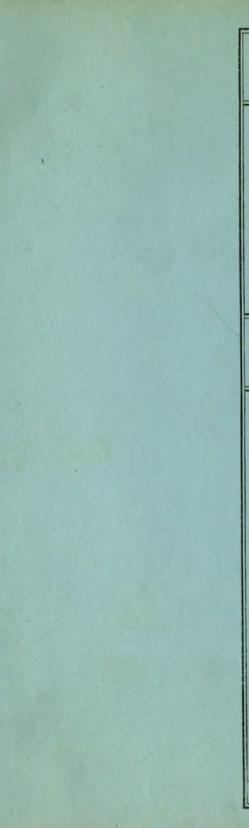
Teste. B.I.Bickers, Clerk.

A copy teste

Clerk of the Circuit Court ag of Greene County, Virginia.

Recorded in the clerk's office in Will Book No.3 at page 33.

What g.



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

v.

Cassandra Lawson Atkins &

others

Tract No.364

The Petition of R.A.Breeden

JOHN S. CHAPMAN ATTORNEY AT LAW STANDARDSVILLE, VA.