

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
sixty one acres (52,561) more or less,
of land in Rockingham County,
Virginia, Defendants.

MEMORANDUM FOR THE CLERK.

THE INSTRUCTIONS set out herein are directed to
Mr. George H. Levi, W. L. Green and Miller A. Price, whom I have appointed
Special Investigators and Members of a Board of Appraisal Commissioners,
in these proceedings, and directed to qualify before you or your deputy.

BEFORE administering the necessary oaths of
office you will hand each of these gentlemen a carbon copy hereof and file
the original with the record.

TO MESSRS. George H. Levi, Miller A. Price
and W. L. Green, Special Investigators and
Members of a Board of Appraisal Commissioners:

YOUR duties as Special Investigators and Members
of a Board of Appraisal Commissioners are set forth in the Public Park
Condemnation Act.

In the performance of these important duties,
you are subject only to the direction and control of this Court, and the
Judge thereof, and this you should bear in mind at all times. The Judge
of this Court will hold himself in readiness at all times to assist and
advise you in all matters pertaining to the performance of your duties,
and invites you to consult him freely in all matters as to which you may
be in doubt, except of course the making of such findings of fact, especially
as to the value of lands and other interests within the park area as to
which the law imposes on you the duty of exercising your own uncontrolled and

independent judgment.

UNTIL further instructions your duties as Special Investigators will be limited substantially as follows:

(a) TO making diligent inquiry as to the existence of lands or interest in lands in the proposed park area in Rockingham County to which infants, insane persons, or persons under legal disability are entitled and lands as to which no claims of ownership have been filed and as to whether there may be sufficient reason to believe that no such claims of ownership will be filed;

(b) YOU are not required at this time to ascertain the values or exact description of suchlands and it will be sufficient at this time to secure general information as to the names of owners, location, extent, etc. which might be useful or necessary if and when a special report is called for with relation thereto;

(c) To visit the area sought to be condemned in these proceedings and acquaint yourselves generally with the boundary lines, parcels and tracts into which it is subdivided, the occupants and owners and the nature of their claims, the character of the soil, crops, and other information which you would deem useful if you yourselves contemplated buying these lands;

(d) TO furnish blank forms to persons desiring to file claims;

(e) ON request, to assist the persons owning or claiming right, title or interest in the lands sought to be condemned to fill out and verify the claim forms furnished them;

(f) TO perform duties contemplated in Section 23 of the Park Condemnation Act.

YOUR duties as Member of the Board of Appraisal Commissioners are also set forth in the Public Park Condemnation Act.

BY far the most important duty which you will be called upon to perform in the course of these proceedings are the making or finding of values of the various tracts, or parcels of land within the park aerea and of the various claims of right, title and interest thereto.

IN THE performance of these duties the utmost degree of impartial fairness and discretion will be required of you, and it is of the utmost importance that your conduct and bearing at all times should be such as to inspire confidence in your probity and rectitude and absolute impartiality.

WHEN YOU come to make such findings of value, your sole duty in that connection will be to ascertain and report the true value of the various parcels or tracts of land within the proposed park area and of such claims of right, title or interest therein as this Court or the Judge thereof may direct you to ascertain.

YOUR duty then will be to ascertain values and to act on each claim as an impartial and unbiased judge of such values. It is no part of your duty to induce either the petitioner or the claimants to accept or consent to accept any specific amount as the value of these lands, or claims thereto, or to try to convince them that the values you may set upon them are the true or correct values. Your duty will be limited to the making and reporting to this Court findings of the facts as to value.

YOU should, therefore, be extremely guarded in every word and deed, and carefully reserve your own views as to values for the reports you may be called upon to submit.

THE Condemnation Act gives you very broad powers in your investigations as to the values of the lands sought to be condemned in the park area, but when findings come to be made as to the value of any parcel or tract within the park area, or of any claim of right, or title thereto, both the petitioner and the claimant will be entitled to a hearing and to an opportunity to examine the witnesses called at the hearing. You should not therefore permit either the petitioner or any owner or claimant to discuss in your presence the value of any tract or parcel of land in the park area, or of the value of any claim of right or title thereto until and unless there is a hearing of which both parties have had notice and an opportunity to be heard.

TO assist you in the performance of your duties you may call on the Court to require the parties to the proceedings to furnish you with any information in their possession or in their files, asto the location, title, ownership, extent and boundaries of any of the various parcels and tracts of different ownership within the Park area.

THE Act provides compensation for your services at the rate of twelve dollars per diem for each day in which you are actually engaged in the performance of your duties; and reimbursements for actual expenditures for travel, lodging, subsistence and other expenses as may be allowed and approved by this court or the judge thereof.

A MONTHLY itemized and duly verified statement properly supported by the necessary vouchers, should be submitted to the Clerk of the Court setting forth your claims for compensation and reimbursement. And to avoid any questions hereafter, and for the guidance of both the Clerk and yourselves, I deem it proper to advise that the services herein directed to be performed by you and for which you will be entitled to compensatinn are to be rendered wholly in Rockingham County wherein these proceedings are pending; an allowance and approval of actual expenditures for lodging and subsistence will be limited to a maximum of three dollars per day; to six cents per mile for travel in your own automobile; and for all other expenditures to those that are affirmatively shown to be reasonable and necessary in the performance of your duties in Rockingham County.

J. W. Beers JUDGE.

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MEMORANDUM FOR THE CLERK.

LAW OFFICES

WEAVER & ARMSTRONG

FRONT ROYAL, VA.