

NAME OF CLAIMANT

#323 - Smart, John & Catherine

Number of Acres: 5

Location: Richland Heights, Millers Run. Entirely within the Park area.

Roads: Three miles via dirt road to Grottoes, the nearest shipping point.

Soil: Sandy loam, level and fairly smooth, some scattering loose rock.

History of Tract and condition of timber: The merchantable saw timber was removed from this tract about six years ago. The remaining stands consists of small second growth yellow pine and a small amount of oaks.

Improvements: None.

Acreage and value of types:

Types	Acreage	Value per acre	Total Value
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Ridge:

Slope:	5	@ \$5.00	\$25.00
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Cove:

Grazing Land:

Fields Restocking:

Cultivated Land:

Orchard:

Minerals:

Value of Land: \$ 25.00

Value of Improvements: \$

Value of Orchard: \$

Value of Minerals: \$

Value of Fruit: \$

Value of Timber: \$

Value of Wood: \$ 5.00

Value per acre for tract: \$ 6.00

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

Geo. N. P. P. P. CLERK. 29

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

My name is John Smart and Catherine E. Smart (wife)  
My post office address is Elmira, N. Y.

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 5. <sup>32</sup>/<sub>100</sub> acres, on which there are the following buildings and improvements: \_\_\_\_\_

This land is located about 2 1/2 miles from Grottoce, Virginia, in the \_\_\_\_\_ 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.)

We John Smart and Catherine E. Smart  
are joint owners in land described above

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

North Eutslers Bro. and Rev. F. H. Hughes  
South John A. Alexander  
East William B. Smart and Ida C. Smart (wife)  
West Mabel P. Stivers

I acquired my right, title, estate or interest to this property about the year 1917 in the following manner:

Bought of Lydia H. LaBaume (widow), Roanoke Va. the eastern portion of tract (74) of the Richland Heights Development Co.

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 267. <sup>50</sup>/<sub>100</sub>. I claim that the total value of my right, title, estate or interest, in and to this tract or parcel of land with the improvements thereon is \$ \_\_\_\_\_.

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 10<sup>th</sup> day of Feb. 1931,  
Catherine E. Smart  
STATE OF New York, COUNTY OF Rockingham, To-wit: John Smart

The undersigned hereby certifies that John Smart & Catherine Smart 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 10<sup>th</sup> day of Feb. 1931.

Ernest L. Enright  
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.

2/11/31

Commission Expires March 30 - 1931

County: Rockingham  
District: Stonewall

#323 John & Catherine Smart

Acreage Claimed: 5.35 A.      Assessed 5.56      Deed 5.56  
Value Claimed:      \$267.50      "      \$30.00      "      1917      \$267.50

Location: Richland Heights, Millers Run, Entirely within the Park area.

Laps: None known.

Soil: Sandy loam, level and fairly smooth, some scattering loose rock.

Roads: 3 miles via dirt road to Grottoes, the nearest shipping point.

History: The merchantable saw timber was removed from this tract about six years ago. The remaining stands consists of small second growth Yellow Pine and a small amount of Oaks, about 2 cds of fuel wood per A. @ \$0.50 per cd. \$ 5.00

Improvements: None.

Value of land by types:

<u>Type</u>	<u>Acreage</u>	<u>Value per acre</u>	<u>Total Value</u>
Slope	5	\$3.00	\$15.00

Total value of land      \$15.00

Total value of Timber      5.00

Total value of tract      20.00

Total value of improvements

Average value per acre      4.00

VIRGINIA, IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY.

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

v.

CASSANDRA LAWSON ATKINS and others, and 53,561  
acres, more or less, of land in Rockingham County,  
Virginia.

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

NOV 9 1932

*J. Robert Switzed* Clerk

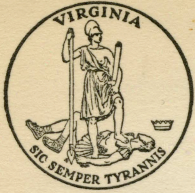
Statement made this 8th day of November, 1932, by Maude M. Shipp  
pursuant to a decree entered in the above entitled cause.

Your respondent says that she is the owner of a tract of twenty acres  
more or less of land mentioned and described in the report of the Appraisal Com-  
missioners in the above entitled cause; that this twenty acres of land is a part  
and parcel of the old Shipp farm at Swift Run, Virginia, and lies on both sides  
of the Spotswood Trail at Hughes' Store, and contains twenty acres, and is im-  
proved by a three room residence and sleeping porch, and other outbuildings.  
That this land is known as Tract No. 84 on the plat of said report, which is  
here referred to, as a part hereof, and that exceptant prays that her excep-  
tions to said report heretofore filed, be sustained, and she specifically refers  
to her exceptions for a more particular description of said land.

And having fully answered, respondent prays that her exceptions to the  
report of the said commission be sustained, and she will ever pray, etc.

*Lawrence A. L...*  
Counsel

*Maude M. Shipp*  
By Counsel



~~JOHN W. PURCELL~~  
TREASURER OF VIRGINIA

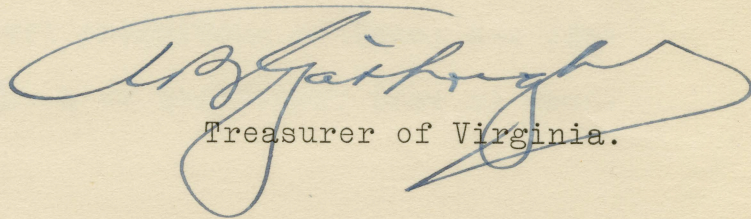
# Commonwealth of Virginia

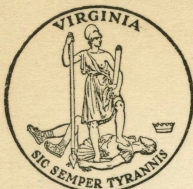
TREASURER'S OFFICE

RICHMOND, VA.

May 17, 1935

This is to certify that I, <sup>A. B. Gathright</sup>~~John W. Purcell~~, Treasurer  
of Virginia have this 17th day of May in accordance  
with an order of the circuit court of Rockingham  
dated 5/9/35 in the cause of the State Commission  
on Conservation and Development of the State of Virginia  
vs. Cassandra Lawson Atkins  
paid to Geo. S. Harnsberger, Attorney for John Smart and  
Catherine E. Smart, Harrisonburg, Virginia  
\$ 28.00 being in full settlement of tract # 323  
in the above mentioned cause.

  
Treasurer of Virginia.



JOHN M. PURCELL  
TREASURER OF VIRGINIA

# Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

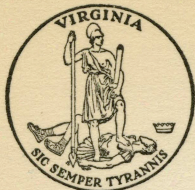
May 17, 1935

Geo. S. Harnsberger, Attorney for John Smart  
and Catherine E. Smart  
Harrisonburg, Virginia

Received of <sup>A. B. Gathright</sup> ~~John M. Purcell~~, Treasurer of  
Virginia, the sum of \$ 28.00, in accordance  
with an order of the Circuit Court of the county  
of Rockingham entered on the 9th day  
of May 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 # 323.

*Geo. S. Harnsberger  
Attorney for John  
Smart and Catherine  
E. Smart*

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



~~JOHN M. BURCELL~~  
TREASURER OF VIRGINIA

# Commonwealth of Virginia

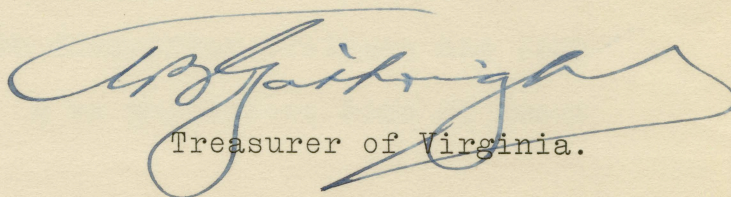
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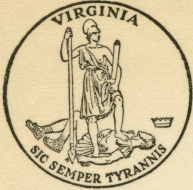
RICHMOND, VA.

May 17, 1935

A. B. Gathright

This is to certify that I, ~~John M. Burcell~~, Treasurer of Virginia have this 17 day of May in accordance with an order of the circuit court of Rockingham County dated 5/9/35 in the cause of the State Commission on Conservation and Development of the State of Virginia vs. Cassandra Lawson Atkins and others paid to J. R. Switzer, Clerk of the Circuit Court of Rockingham County, Harrisonburg, Virginia \$ 2.00 being in full settlement of tract # 323 in the above mentioned cause.

  
Treasurer of Virginia.



~~JOHN M. BURCELL~~  
TREASURER OF VIRGINIA

# Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

May 17, 1935

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

A. B. Gathright  
Received of ~~John M. Burcell~~, Treasurer of  
Virginia, the sum of \$ 2.00, in accordance  
with an order of the Circuit Court of the county  
of Rockingham entered on the 9th day  
of May 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 # 323.

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



IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

PETITIONER,

vs.

At Law No.1829.

Cassandra Lawson Atkins  
and others,

DEFENDANTS.

On this 9 day of May, 1935, came John Smart and Catherine E. Smart, and, on their motion, leave is given them to file their application for distribution of the award in this case, which award was in their favor and the amount of the award, as set out in the judgment of condemnation for Tract No.323, was \$30.00.

And it appearing from the report of the Board of Appraisal Commissioners heretofore filed in this suit and in the petition for judgment of condemnation heretofore entered herein, that, in the opinion of the said The State Commission on Conservation and Development of the State of Virginia, John Smart and Catherine E. Smart were invested with a superior or better right or claim of title in and to said tract of land designated as No.323, and that the record in said condemnation proceeding does not disclose any denial or dispute by any party or person interested as to the title to said tract designated as No.323 or to the proceeds arising from the condemnation thereof:

Upon consideration whereof, it is considered and ordered by the Court that the said sum of \$30.00 be paid out as follows:

To J.R.Switzer, Clerk of the Circuit Court of Rockingham County,	\$ 2.00
To Geo.S.Harnsberger, Attorney for John Smart and Catherine E.Smart,	28.00

The Clerk of this Court is directed to transmit a certified copy of this order to the Treasurer of Virginia, who shall

pay out said fund in accordance therewith, taking from the parties to whom the fund is directed to be paid their respective receipts for the sums paid to them and certifying such payment to the Clerk of this Court for appropriate entry thereof, as required by law.

Enter.

*HWA*

\_\_\_\_\_  
Judge.

*20*  

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IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

PETITIONER,

vs.

At Law No. 1829.

Cassandra Lawson Atkins and  
others,

DEFENDANTS.

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

Your petitioners, John Smart and Catherine E. Smart,  
respectfully represent:

That a judgment in rem has heretofore been entered in this proceeding, condemning to the use of The State Commission on Conservation and Development of the State of Virginia the fee simple estate in a tract of land formerly the property of your petitioners, situate in what is known as the Richlands Heights Development, about three miles east of Grottoes, in the eastern portion of Stonewall District, Rockingham County, Virginia, which tract is described in the report of the Board of Appraisal Commissioners, appointed herein, and shown, numbered, and delineated on the County Ownership Map, filed therewith, as Tract No. 323, at the price of \$30.00.

Your petitioners further show to the Court that all of the taxes on said property have been paid, and that there are no liens or claims of any kind existing on or against said property, and that no other person or persons than your petitioners are entitled to share in the distribution of said award. Certificates of the Treasurer of Rockingham County and of the Clerk of this Court are herewith filed, marked "Ex. Certificate No. 1" and "Ex. Certificate No. 2" respectively, and the same are prayed to be read as parts thereof.

Wherefore, your petitioners pray that they may be made parties herein and be allowed to file their petition in this proceeding; that the fund in this cause may be paid to them or to their attorney of record; that an order may be entered in these proceedings for the distribution of said fund, and that your petitioners may have such other and further relief as the nature of the case may require.

John Smart  
Catherine E. Smart

GEO. S. HARNSBERGER  
Counsel.

State of Pennsylvania,

County of Tioga, to-wit:

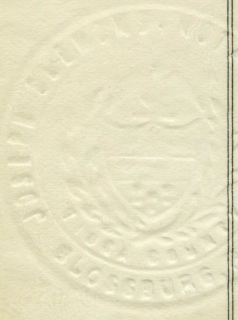
This day John Smart and Catherine E. Smart personally appeared before me, Joseph Clemons, a Notary Public for the County aforesaid in the State of Pennsylvania, in my County aforesaid, and, being duly sworn, depose and say:

We are the petitioners in the above entitled matter; the land condemned in this proceeding formerly belonged to us. We have read the above petition, have signed the same, and do hereby state that the matters of fact therein set forth are true, to the best of our knowledge and belief.

John Smart  
Catherine E. Smart

Subscribed and sworn to before me this 4<sup>th</sup> day of May, 1935. In testimony whereof, I hereunto affix my Notarial seal.

Joseph Clemons  
Notary Public.  
*my Commission expires March 12, 1939*

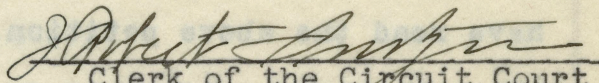


STATE OF VIRGINIA,

COUNTY OF ROCKINGHAM, To-wit:

I Hereby certify that the records of my office do not show any delinquent taxes against the tract of 5.25 acres in Stonewall District, Richland Heights Development, assessed in the name of John and Catherine E. Smart, .

Given under my hand this 1st day of May, 1935.

  
Clerk of the Circuit Court  
of Rockingham County, Va.

**M. H. HARRISON**

**TREASURER OF ROCKINGHAM COUNTY**

**HARRISONBURG, VIRGINIA**

May 1st, 1934

ToWhom It May Concern:-

This is to certify that there are no unpaid taxes assesedin the name of John and Catherine Smart 5.25 acres, Richland Heigts Development, Stonewall District, County of Rockingham, State of Virginia.

Respectfully,

M. H. Harrison, Treasurer,

By *E. A. Zigler*....Deputy