

NAME OF CLAIMANT

#256 - Lewin, J. H.

Number of Acres: 104

Location: Big Run and lies partly outside the Park area.

Roads: 3 miles over county road to Island Ford.

Soil: Slope

History of Tract and condition of timber: A portion of this tract has been burned over and the remaining portion has been cut over, leaving a scattered young stand of mixed oak, yellow and white pine.

Timber: 25,000 bd. ft.

Improvements: None.

104
67
—
37

Acreage and value of types:

Types	Acreage		Value per acre	Total Value
Ridge:				
Slope: --	93	@	\$5.00	\$465.00
Cove:				
Grazing Land:				
Fields Restocking: ----	6	@	15.00	90.00
Cultivated Land: ----	5	@	25.00	125.00
				<u>\$680.00</u>
Orchard:				
Minerals:				
Value of Land: \$ 680.00				
Value of Improvements: \$				
Value of Orchard: \$				
Value of Minerals: \$				
Value of Fruit: \$				
Value of Timber: \$ 35.00				35.00
Value of Wood: \$ 100.00				<u>100.00</u>
Value per acre for tract: \$ 7.83				\$815.00

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

Geo. N. Pen

CLERK

NAME OF CLAIMANT

#256-a - Lewin, J.H.

Number of Acres: 67

Location: Big Run. This tract is partly inside and partly outside

Roads: The Park area.

3 miles over county road to Island Ford.

Soil: Slope-- sandy clay loam, of good depth and fertility.

History of Tract and condition of timber: A saw mill is now located on this tract and all merchantable timber on the west side of Big Run road has just been worked. This leaves a narrow strip of merchantable timber between Big Run road and the Park line, which the owner states he probably will cut at a later date.

Fuel wood: - - 400 cords.

Improvements:

NONE.

Acreage and value of types:

Types	Acreage		Value per acre	Total Value
Ridge:				
Slope:				
Cove: ---	67	@	\$10.00	\$670.00

Grazing Land:

Fields Restocking: ---

Cultivated Land: ---

Orchard:

Minerals:

Value of Land: \$ 670.00

Value of Improvements: \$

Value of Orchard: \$

Value of Minerals: \$

Value of Fruit: \$

Value of Timber: \$ 200.00

200.00

Value of Wood: \$100.00

100.00

Value per acre for tract: \$14.47

\$970.00

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

Geo. N. Pen.

CLERK

Claimant not

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

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

My name is J. N. Lewis
My post office address is Weyahysville, Va

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 1.04 acres, on which there are the following buildings and improvements: No buildings

This land is located about 4 miles from Weyahysville Virginia, in the Rowe Magisterial District of said County.

I claim the following right, title, estate or interest in the tract or parcel of land described above: (In this space claimant should say whether he is sole owner or joint owner, and if joint owner give names of the joint owners. If claimant is not sole or joint owner, he should set out exactly what right, title, estate or interest he has in or to the tract or parcel of land described above.)

Sole owner

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

North H. M. Lyle
South Chas. N. Marshall estate claimant
East J. B. Beamer
West J. N. Lewis, claimant

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

By deed from Geo. L. Lyle, of L. Lyle's
deed dated Aug. 27, 1917, d. B. 105, p. 309

I claim that the total value of this tract or parcel of land with the improvements thereon is \$4160.⁰⁰/₁₀₀ 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 \$4160.⁰⁰/₁₀₀

I am the owner of 1.30 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 \$1,000.00

(In the space below should be set out any additional statements or information as to this claim which claimant desires to make; and if practicable he should also insert here a description of the tract or parcel of land by metes and bounds).

Remarks: This lies about 3/4 of a mile from
H. L. Ry & Shepherd Road, Honey &
People's Road, + furnishes natural
entrance to Park. (over see note).
(Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 16 day of February, 1930.

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

The undersigned hereby certifies that J. N. Lewis 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 16 day of Feb, 1930.

Filed
2/16/31

J. F. Blackburn cc
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.

This land takes grass easily & goes
into blue grass naturally. It has
lot of fine young timber on it, &
the manner in which the boundary
is divided, it makes the rest
of the land lying out of Park
hard to sell.

Claim of J. N. Lewis
In the Circuit Court of Buckingham County, Virginia, No. 1829, At Law.
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. Cassandra Lawson Atkins & c

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

My name is J. N. Lewis
My post office address is McGalsysville, Va.

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 67 acres, on which there are the following buildings and improvements: no buildings

This land is located about 4 miles from McGalsysville Virginia, in the General Magisterial District of said County.

I claim the following right, title, estate or interest in the tract or parcel of land described above: (In this space claimant should say whether he is sole owner or joint owner, and if joint owner give names of the joint owners. If claimant is not sole or joint owner, he should set out exactly what right, title, estate or interest he has in or to the tract or parcel of land described above.)

Sole owner

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

North J. N. Lewis (Claimant)
South Chas. N. Marshall & Polmer
East J. N. Lewis (Claimant)
West J. N. Lewis (Claimant)

I acquired my right, title, estate or interest to this property about the year 1897 in the following manner: 1905

By deed from Wm. J. Gancy, Sr. & Wm. Gancy, Jr., dated April 14, 1897, D. B. 54, 522, & deed from W. J. Lewis dated Feb. 20, 1905, D. B. 74, 253.

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 3,350.00. I claim that the total value of my right, title, estate or interest, in and to this tract or parcel of land with the improvements thereon is \$ 3,350.00.

I am the owner of 268 acres of land adjoining the above described tract or parcel of land but lying outside the Park area, which I claim will be damaged by the proposed condemnation of lands within the Park area, to the extent of \$ none.

(In the space below should be set out any additional statements or information as to this claim which claimant desires to make; and if practicable he should also insert here a description of the tract or parcel of land by metes and bounds).

Remarks: This land comes from the only natural entrance from Port Republic road to Big Run Gap. This land is natural blue grass land. A good grazing land. Was here years ago.
(Continue remarks if necessary on the back)

Witness my signature (or my name and mark attached hereto) this 16 day of February, 1930.

STATE OF VIRGINIA, COUNTY OF Buckingham, To-wit:
The undersigned hereby certifies that J. N. Lewis 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 16 day of Feb., 1930.

Filed 2/16/31

J. A. Blackburn D.C.
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.

In addition to the actual value
of the land as herein given, I
claim \$500. — for replacement
of grazing, & \$500. — for ~~timber~~
~~the other land to be covered by timber~~
right not included in other
valuation.

This land is located about _____
miles from _____
Magisterial District of said County.

I claim the following right, title, estate or interest in the tract or parcel of land de-
scribed 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 _____
South _____
East _____
West _____

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 there-
on is \$_____. 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 pro-
posed 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 notes and bounds.)

Remarks: _____

(Continue remarks if necessary on the back.)
Witness my signature (or my name and mark attached hereto) this _____ day
of _____, 193__.

To-wit: _____
STATE OF VIRGINIA, COUNTY OF _____
The undersigned hereby certifies that _____
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.
_____ day of _____, 193__.

Notary Public or Justice of the Peace

Claim of J. N. Lewis
In the Circuit Court of Rockingham County, Virginia, No. 1879, At Law.
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. Cassandra Newton & heirs &c

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

My name is J. N. Lewis
My post office address is 214 S. Main St., R.R.

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 104 acres, on which there are the following buildings and improvements: no buildings

This land is located about 4 miles from Wedgefield, Va. Virginia, in the Howell Magisterial District of said County.

I claim the following right, title, estate or interest in the tract or parcel of land described above: (In this space claimant should say whether he is sole owner or joint owner, and if joint owner give names of the joint owners. If claimant is not sole or joint owner, he should set out exactly what right, title, estate or interest he has in or to the tract or parcel of land described above.)
Sole owner

The land owners adjacent to the above described tract or parcel of land are as follows:
North N. M. Stephs
South Claimant
East J. B. Butler
West J. N. Lewis, Claimant

I acquired my right, title, estate or interest to this property about the year _____ in the following manner:
Deed from Geo. S. Sipe, Sp. Com. dated Aug. 27, 1917, P. D. 105, 1-709

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 4,100.00 I claim that the total value of my right, title, estate or interest, in and to this tract or parcel of land with the improvements thereon is \$ _____

I am the owner of 130 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 \$ 1000.

(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: This lies about 3/4 of a mile from N. M. Stephs. By a narrow road over a steep road, and furnishes usual entrance to Park. over, in back

(Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 16 day of February, 1930. (Signed) J. N. Lewis

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

The undersigned hereby certifies that J. N. Lewis 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 16th day of Feb., 1930.

Filed 2/16/31.

(Signed) W. F. Stephens, D.C.
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.

This land takes grass easily & goes
into blue grass naturally. It has
lot of fine young timber on it,
and the manner in which the
boundary is divided, it makes
the rest of the land being out of Park
hard to sell.

My name is _____
My post office address is _____
I claim a right, title, estate or interest in a tract or parcel of land within the area sought
to be condemned, containing about _____ acres on which there are the following
buildings and improvements: _____

This land is located about _____ miles from _____
Magisterial District of said County _____
I claim the following right, title, estate or interest in the tract or parcel of land de-
scribed 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 _____
South _____
East _____
West _____

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 there-
on is \$ _____ 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 pro-
posed 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 _____ day

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

The undersigned hereby certifies that _____ 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 _____ day of _____, 1938.

Notary Public or Justice of the Peace
Clerk of the Court or Special Investigator or

Claim of J. N. Lewin
In the Circuit Court of Rockingham County, Virginia, No. 1129, At Law.
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. Cassandra Rawson Atkins &c

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

My name is J. N. Lewin
My post office address is 204 Gablesville, Va.

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 67 acres, on which there are the following buildings and improvements: no buildings

This land is located about 4 miles from 204 Gablesville Virginia, in the Hamour Magisterial District of said County.

I claim the following right, title, estate or interest in the tract or parcel of land described above: (In this space claimant should say whether he is sole owner or joint owner, and if joint owner give names of the joint owners. If claimant is not sole or joint owner, he should set out exactly what right, title, estate or interest he has in or to the tract or parcel of land described above.)
Sole owner

The land owners adjacent to the above described tract or parcel of land are as follows:
North J. N. Lewin (claimant)
South Chas. H. Marshall & Robert
East J. N. Lewin, claimant
West " "

I acquired my right, title, estate or interest to this property about the year 1347 1905 in the following manner:

By deed from Wm. J. Francis, Spl. Comm'r. dated Feb. 14, 1895, D.C. 56, 1522 + deed from W. J. Francis dated Feb. 20, 1905, D.C. 74, 1522 +

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 3,350.00. I claim that the total value of my right, title, estate or interest, in and to this tract or parcel of land with the improvements thereon is \$ 3,350.00

I am the owner of 268 acres of land adjoining the above described tract or parcel of land but lying outside the Park area, which I claim will be damaged by the proposed condemnation of lands within the Park area, to the extent of \$ none

(In the space below should be set out any additional statements or information as to this claim which claimant desires to make; and if practicable he should also insert here a description of the tract or parcel of land by metes and bounds).

Remarks: This land constitutes the only natural entrance from the Port Republic road to Mt. Zion Gap. This land is natural open grass land, good grazing land. Has pine trees on it.
(Continue remarks if necessary on the back)

Witness my signature (or my name and mark attached hereto) this Feb. day of February, 1930. (Sign) J. N. Lewin

STATE OF VIRGINIA, COUNTY OF Rockingham, To-wit: J. N. Lewin

The undersigned hereby certifies that J. N. Lewin 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 10th day of February, 1930.

(Signed) J. F. Blackburn, D.C.
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.

Filed 2/10/31

Claim of _____
in the Circuit Court of _____ County, Virginia, No. _____
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs _____

In addition to the actual value of the land as herein given, I claim \$500. - for replacement of grazing land, and \$500. - for lumber right not included in other valuation.

This land is located about _____ miles from _____
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.)

The land owners adjacent to the above described tract or parcel of land are as follows:
North _____
South _____
East _____
West _____

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 \$_____. 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 deems 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 _____ day _____

of _____ 1930
STATE OF VIRGINIA, COUNTY OF _____
To-wit: _____

The undersigned hereby certifies that 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 _____ day of _____, 1930

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

County: Rockingham
District: Stonewall

256 J. H. Lewin

Acreage Claimed: Assessed 144.136 A Deed Acquired 236.120
Value Claimed: " \$ 300 1917 for #4350
Included 144.136
acre tract

Location: Big Run and lies partly outside the Park area

Laps:

Soil: Slope

Roads: 3 miles over county road to Island Ford

History: A portion of this tract has been burned over and the remaining portion has been cut over leaving a scattered young stand of mixed oak, yellow and white pine.

Improvements: None

Timber: 25,000 bd.ft. @ \$3.50 \$87.50

Value of land by types:

Type	Acreage	Value per acre	Total value
Slope (burned)	36	\$2.00	\$ 72.00
" (unburned)	57	4.00	228.00
F C	5	20.00	100.00
F R	6	5.00	30.00
	<u>104</u>		<u>430.00</u>

Total value of land \$ 430.00

Total value of timber 87.50

Total value of tract 517.50

Average value per acre 4.97

County: Rockingham
District: Stonewall

256-a J. H. Lewin

<u>Acreage Claimed:</u>	Assessed	294.58 A	Deed	Acquired 335.35
<u>Value Claimed:</u>	"	\$ 630.00		acres 1897 for
				\$150. This inclu-
				des the 294.58 A
				shown above.

Location: Big Run. This tract is partly inside and partly outside the Park area

Laps:

Soil: Slope--sandy clay loam of good depth and fertility

Roads: 3 miles over county road to Island Ford

History: A saw mill is now located on this tract and all merchantable timber on the west side of Big Run road has just been worked. This leaves a narrow strip of merchantable timber between Big Run road and the Park line, which the owner states he probably will cut at a later date.

Fuel wood 400 cds. @ 50¢ per cd. \$ 200.00

Improvements: None

Value of land by types:

<u>Type</u>	<u>Acreage</u>	<u>Value</u> <u>per acre</u>	<u>Total</u> <u>value</u>
Slope	67	\$ 5.00	\$335.00

Total value of land \$ 335.00

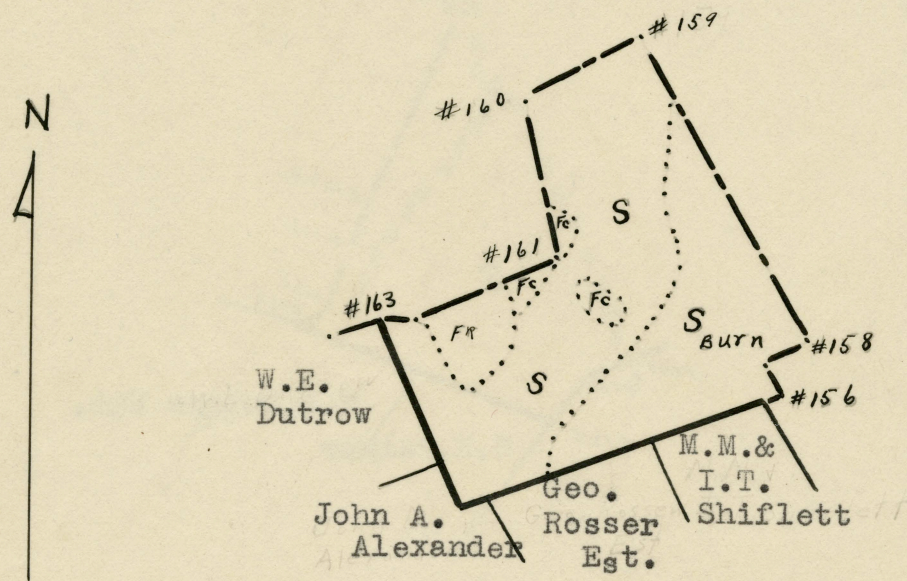
Total value of timber 200.00

Total value of tract 535.00

Average value per acre 7.98

County: Rockingham
District: Stonewall

#256- Lewin, J.H.

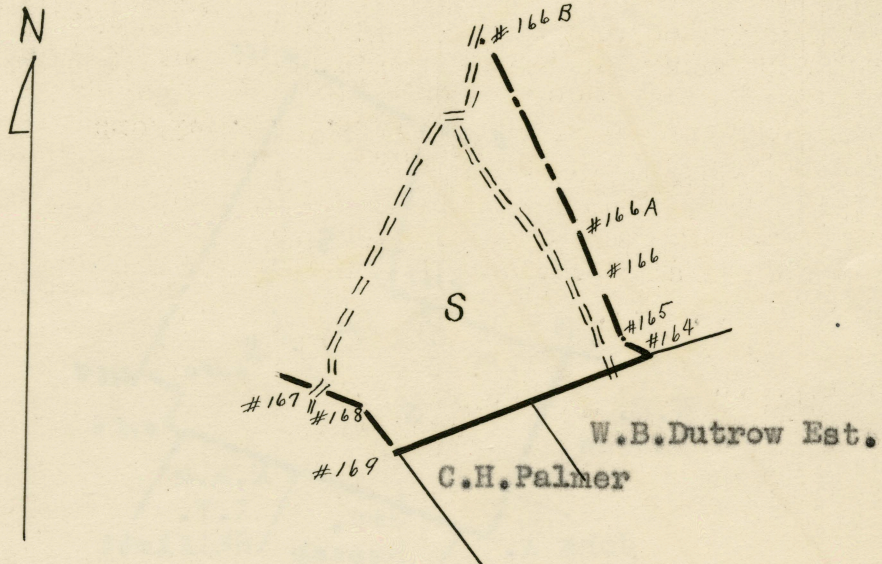


LEGEND:

Slope Tillable
Fields restocking
Scale - 1" = 20 chains

County: Rockingham
District: Stonewall

#256a- Lewin, J.H.



LEGEND:

Slope
Scale - 1" = 20 chains

No. 256
256-a

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

STATEMENT

OF) Geo. S. Harnsberger, p.q.

J. H. LEWIN

Tract 256.

Filed 5/26/33

STATEMENT OF COSTS, POSTAGE, ETC.:

SUPLEE ENVELOPE CO., UPPER DARBY, PA.

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

State Commission on Conservation and Development of the State of Virginia

v.

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

Clerk

AUG 26 1933

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

In re exceptions of J.H.Lewin.

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

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

(a) The number of the tract owned by exceptant and shown on the map filed in this proceeding is 256.

(b) The acreage claimed is 104. The interest asserted by exceptant is the fee simple ownership.

(c) and (d) 20 acres of burned over land, at \$10.00 per acre, \$200.00
69 acres of timber land, at \$30.00 per acre, 2,070.00
A ten acre field, re-stocking, at \$25.00 per acre, 250.00
A cultivated field of 5 acres at \$40.00 " " 200.00
\$2,720.00

That portion of the land under consideration which is desired to be taken for Park purposes is in a very irregular shape, and, as a consequence, leaves the balance of the larger tract of land, off of which it was taken, in an extremely irregular condition, and

exceptant claims as incidental damages to the balance of his tract \$500.00. All of this land is naturally adapted to blue grass and lies about three-fourths of a mile from the Norfolk and Western Railroad and the Shenandoah River and the public road. There has been no effort made to segregate the value of the timber land from the timber as such, because if it were all cut off now it would tend to destroy the real value of the land as it exists to-day. The fact that this is a thrifty stand of young oak located as it is, near the points above indicated, gives it a special value that mountain land would not have. In view of these facts, it is believed that the valuation hereinabove placed upon the same is the fair and reasonable worth of the property under normal conditions.

J.H. Lewin

State of Virginia

City of Harrisonburg, to-wit:

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

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

J.H. Lewin

Subscribed and sworn to before me this 25th day of August, 1933.

F. Flavia Converse
Notary Public.

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

State Commission on Conservation and Development of the State of Virginia

v.

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

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

AUG 26 1933

Robert Swartz Clerk

In re exceptions of J.H.Lewin.

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

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

(a) The number of the tract owned by exceptant, as shown on the map filed in this proceeding, is 256-a.

(b) The acreage claimed is 67, and the interest asserted by exceptant is the fee simple.

(c) and (d) Grazing land, 7 acres, @ \$65.00 per acre, \$455.00
Timber land, ⁴⁸~~68~~ acres, @ \$48.00 per acre, ~~2,880.00~~ 2,304.00
\$3,335.00
~~2,880.00~~

This land constitutes the only natural entrance from the Port Republic Road to Big Gap Run Gap. This land is naturally blue grass land, and the 7 acres referred to above has been cleared and is in a good blue grass sod. The ⁴⁸~~68~~ acres of land which has not been cleared has upon it a fine stand of young, thrifty timber, mostly oak, from tie size down. This land, when cleared, would naturally go into blue grass. The appraisers, in their report, state that it is a sandy clay loam of good depth and

fertility. Due to the fact that the timber is not at this time mature, it is difficult to segregate it and separate it from the value of the land as such, because, if it were all cut off now, it would tend to destroy the real value of the land as it exists today. The fact that this is a thrifty stand of young oak, located as it is, on the Port Republic Road and only half a mile from the Norfolk and Western Railroad, gives it a special value that mountain land would not have. In view of these facts, it is believed that the valuation hereinabove placed upon the same is the fair and reasonable worth of the property under normal conditions.

J.H. Lewin

State of Virginia,

City of Harrisonburg, to-wit:

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

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

J.H. Lewin

Subscribed and sworn to before me this 25th day of August, 1933.

F. Flavia Converse,
Notary Public.

LEWIN, J. H.
256, 256-a
ROCKINGHAM COUNTY

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

SEP 9 1933

J. Robert Smith Clerk

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

SUMMARY STATEMENT OF PETITIONER:

EXCEPTANT: Lewin, J.H.

ORIGINAL CLAIM: Acreage 171: Value \$7510.: Inc. Damages, \$1000.

VALUE PLACED ON TRACT BY PETITIONER'S APPRAISERS:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
256	\$517.50	
256-a	535.00	

BOARD OF APPRAISAL COMMISSIONERS FINDINGS:

MAP NUMBER OF TRACT: 256. 256-a

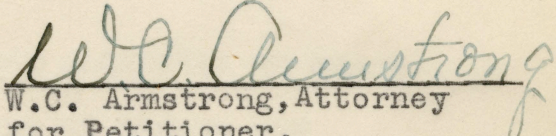
VALUE OF TRACT:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
256	\$815.00	
256-a	970.00	

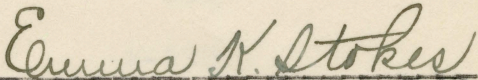
The basic differences between Petitioner and this exceptant are as to the classification and value of the land, timber values and amount of incidental damages.

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

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


W.C. Armstrong, Attorney
for Petitioner.

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


Emma K. Stokes, Notary Public

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

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

vs.

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

In re exceptions of

J. A. Lewin

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

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

Further answering your calls in their order:

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

(2) The number of this claim on the county ownership map filed
in these proceedings is 256 + 256 - a.

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

Respectfully submitted,

GEO. S. HARNESBERGER
Att'y

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

Aug. 11, 1933.

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

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

J. H. Lewis

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

vs.

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

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

The motion of J. H. Lewin, praying said Court to disapprove and to decline to accept the findings of the Board of Appraisal Commissioners, heretofore appointed by said Court in the above matter, wherein said Board reported, under its Nos. 256 and 256-a, of ~~their~~ its findings, as filed in the Clerk's Office of said Court, that the 104 acres, its No. 256, found by said Board to be the property of the moveant, was valued at only \$7.83 per acre, and that the 67 acres of land, its No. 256-a, found by said Board to be the property of moveant, was valued at only \$14.47 per acre.

The grounds of said motion are as follows:

- (1) That the price per acre allowed for said lands is totally inadequate and confiscatory, said lands being worth many times more than the amount allowed by said Board of Appraisal Commissioners, as will more fully appear from the affidavits attached hereto.
- (2) That said Board of Appraisal Commissioners erred in not allowing any incidental damages under its No. 256, as the 104 acres of land therein referred to is taken off of the larger tract of land in such a way as to very substantially injure it, both in its future use and sale.
- (3) That the findings of said Board were based upon a mistake of law as to the nature and effect of the evidence produced before said Board by moveant.

(4) That the findings of said Board are, apparently, from the statements contained in its reports, based upon the physical character of the land alone, without taking into consideration, or at least without giving any effect in its final decision to, the income-producing capacity of the land.

The affidavits attached hereto are asked to be read in support of the above exceptions. The claim heretofore filed by moveant is asked to be read in connection with this motion.

(Signed) J. H. Lewin,
By Counsel.

(Signed) GEO. S. HARNBERGER,
Counsel.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

vs.

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

The affidavit of J.H.Lewin, to be read in connection with the motion filed by him to have the findings of the Board of Appraisal Commissioners disapproved in connection with its findings Nos. 256 and 256-a.

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

This day J.H.Lewin personally appeared before me,
W. A. Gancey, a Notary Public in and for the
County aforesaid, in the State of Virginia, in my County aforesaid, and, being duly sworn, deposes and says:

The 104 acres of land, referred to under No. 256 of the report of the Board of Appraisal Commissioners in this matter, is a part of a 236 acre tract of land situate upon Big Run, on the east side of the Shenandoah River, in the eastern portion of Stonewall District, Rockingham County, Virginia, a quarter of a mile from a siding on the Norfolk and Western Railroad, also the same distance from the Shenandoah River, about half a mile from the electric plant of the City of Harrisonburg, and about 100 yards from the Port Republic-Elkton Road. This tract, with the exception of probably 11 acres, has its chief value in its timber. This 104 acres of land is cut off of the larger tract of 236 acres in such an irregular way as to render the balance namely, 132 acres, undesirable for agricultural purposes, and consequently it will be harder to sell than it was before the 104 acres was taken off. This land is of good quality, and, when

cleared, naturally goes to blue grass. In view of the character of the land, the timber thereon, and its nearness to market, affiant believes that, even Without considering the incidental damage done to the remainder of the land from which this was taken, the land in question should be worth \$40.00 per acre. The incidental damages to the remainder of the land should be at least \$1,000.00. The taking of this 104 acres from the 236 acre tract deprives the balance of said tract of the greater portion of its timber.

The 67 acres of land, referred to under 256-a of the report of the Board of Appraisal Commissioners in this matter, is all in timber, with the exception of about 6 acres which is in blue grass. This tract adjoins the 236 acre tract, out of which the above tract of 104 acres was taken. Due to the location of this land, the same being situate upon the Port Republic-Elkton Road, and also its proximity to the Railroad, power plant, and river, as hereinabove referred to in connection with the adjacent tract of 104 acres, and due to the fact that the land lies well, is fertile, and has a good standing of young timber on all of it except about 6 acres, it is considered that the same should be worth \$50.00 per acre.

(Signed) J. H. Levin

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

(Signed) W. A. Gancey,
Notary Public.

(Seal of the
Notary).

In the Circuit Court of Rockingham County, Virginia.

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

v.

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

The affidavit of W. S. Burner to be read in connection with the motion filed by J.H. Lewin to have the findings Nos. 256 and 256-a of the Board of Appraisal Commissioners disapproved.

State of Virginia,

County of Rockingham, to-wit:

This day W. S. Burner personally appeared before me, W. A. Gancey, a notary Public in and for the County and State aforesaid, in my county aforesaid, and, being duly sworn, deposes and says:

I am well acquainted with the 104 and the 67 acres of land situate on Big Run, owned by J.H. Lewin, which lands are valued by the Board of Appraisal Commissioners at \$7.83 and at \$14.47 per acre, respectively. Considering the fertility of these lands, the fact that they naturally go to Blue Grass when cleared, the timber thereon, their accessibility and nearness to market and to modern conveniences, I am of the opinion that these lands are well worth several times the valuation placed thereon by the Appraisal Board. That the prices allowed by the appraisal Board are entirely too cheap and much lower than similar lands in that community can be purchased for. Due to the irregular form in which the 104 acres is taken from the 236 acres, there should be allowed very substantial damages to the 132 acres remaining, as this tract is left in very bad shape.

(Signed) W. S. Burner
Subscribed and sworn to before me this 22nd of September, 1932

(Signed) W. A. Gancey N.P.

In the Circuit Court of Rockingham County, Virginia.

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

v.

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

The affidavit of A. H. Leaf to be read in connection with the motion filed by J.H.Lewin to have the findings Nos. 256 and 256-a of the Board of Appraisal Commissioners disapproved.

State of Virginia,

County of Rockingham, to-wit:

This day A. H. Leaf personally appeared before me, W A Gancey, a notary public in and for the County and State aforesaid, in my county aforesaid, and, being duly sworn, deposes and says:

I am well acquainted with the 104 and the 67 acres of land situate on Big Run, owned by J.H.Lewin, which lands are valued by the Board of Appraisal Commissioners at \$7.83 and at \$14.47 per acre, respectively. Considering the fertility of these lands, the fact that they naturally go to Blue Grass when cleared, the timber thereon, their accessibility and nearness to market and to modern conveniences, I am of the opinion that these lands are well worth several times the valuation placed thereon by the Appraisal Board. That the prices allowed by the appraisal Board are entirely too cheap and much lower than similar lands in that community can be purchased for. Due to the irregular form in which the 104 acres is taken from the 236 acres, there should be allowed very substantial damages to the 132 acres remaining, as this tract is left in very bad shape.

(Signed) A. H. Leaf

Subscribed and sworn to before me this 23rd of September, 1932

(Signed) W A Gancey N.P.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

vs.

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

Statement made by

J. H. Lewin

~~and~~

pursuant to a decree
entered in the above entitled cause on October 25, 1932, in re-
sponse to Item No. 1 of the inquiry made in said decree.

Your respondents say that the acreage listed in the re-
port of the Appraisal Board, under its Nos. 256 + 256-a, is
believed to be approximately correct, and that they do not desire
to make any objection to the acreage as there given.

Your respondents further say that it was not the number
of acres allowed them to which exception was taken, but that the
exceptions heretofore filed by them were to the amount allowed
your respondents per acre.

(Signed) J. H. Lewin

By Counsel.

(Signed) Geo. S. Harnsberger

Counsel.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

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

SEP 24 1932

vs.

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

J. Robert Cloutier
Clerk

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

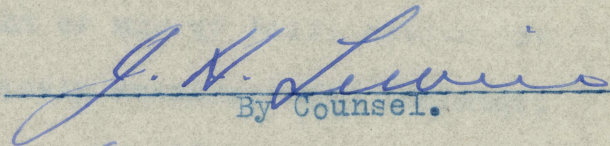
The motion of J. H. Lewin, praying said Court to disapprove and to decline to accept the findings of the Board of Appraisal Commissioners, heretofore appointed by said Court in the above matter, wherein said Board reported, under its Nos. 256 and 256-a, of ~~their~~ its findings, as filed in the Clerk's Office of said Court, that the 104 acres, its No. 256, found by said Board to be the property of the moveant, was valued at only \$7.83 per acre, and that the 67 acres of land, its No. 256-a, found by said Board to be the property of moveant, was valued at only \$14.47 per acre.

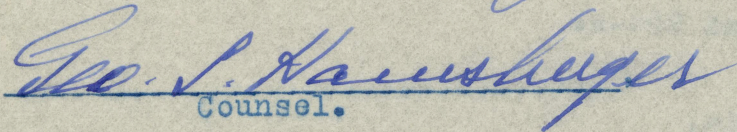
The grounds of said motion are as follows:

- (1) That the price per acre allowed for said lands is totally inadequate and confiscatory, said lands being worth many times more than the amount allowed by said Board of Appraisal Commissioners, as will more fully appear from the affidavits attached hereto.
- (2) That said Board of Appraisal Commissioners erred in not allowing any incidental damages under its No. 256, as the 104 acres of land therein referred to is taken off of the larger tract of land in such a way as to very substantially injure it, both in its future use and sale.
- (3) That the findings of said Board were based upon a mistake of law as to the nature and effect of the evidence produced before said Board by moveant.

(4) That the findings of said Board are, apparently, from the statements contained in its reports, based upon the physical character of the land alone, without taking into consideration, or at least without giving any effect in its final decision to, the income-producing capacity of the land.

The affidavits attached hereto are asked to be read in support of the above exceptions. The claim heretofore filed by moveant is asked to be read in connection with this motion.


By Counsel.


Counsel.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

vs.

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

The affidavit of J.H.Lewis, to be read in connection with
the motion filed by him to have the findings of the Board of
Appraisal Commissioners disapproved in connection with its find-
ings Nos. 256 and 256-a.

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

This day J.H.Lewin personally appeared before me,

W. A. Yancy, a Notary Public in and for the
County aforesaid, in the State of Virginia, in my County aforesaid,
and, being duly sworn, deposes and says:

The 104 acres of land, referred to under No. 256 of the
report of the Board of Appraisal Commissioners in this matter, is
a part of a 236 acre tract of land situate upon Big Run, on the
east side of the Shenandoah River, in the eastern portion of
Stonewall District, Rockingham County, Virginia, a quarter of
a mile from a siding on the Norfolk and Western Railroad, also
the same distance from the Shenandoah River, about half a mile
from the electric plant of the City of Harrisonburg, and about
100 yards from the Port Republic-Elkton Road. This tract, with
the exception of probably 11 acres, has its chief value in its
timber. This 104 acres of land is cut off of the larger tract of
236 acres in such an irregular way as to render the balance,
namely, 132 acres, undesirable for agricultural purposes, and
consequently it will be harder to sell than it was before the
104 acres was taken off. This land is of good quality, and, when

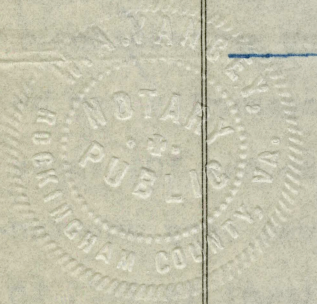
cleared, naturally goes to blue grass. In view of the character of the land, the timber thereon, and its nearness to market, affiant believes that, even without considering the incidental damage done to the remainder of the land from which this was taken, the land in question should be worth \$40.00 per acre. The incidental damages to the remainder of the land should be at least \$1,000.00. The taking of this 104 acres from the 236 acre tract deprives the balance of said tract of the greater portion of its timber.

The 67 acres of land, referred to under 256-a of the report of the Board of Appraisal Commissioners in this matter, is all in timber, with the exception of about 6 acres which is in blue grass. This tract adjoins the 236 acre tract, out of which the above tract of 104 acres was taken. Due to the location of this land, the same being situate upon the Port Republic-Elkton Road, and also its proximity to the Railroad, power plant, and river, as hereinabove referred to in connection with the adjacent tract of 104 acres, and due to the fact that the land lies well, is fertile, and has a good standing of young timber on all of it except about 6 acres, it is considered that the same should be worth \$50.00 per acre.

J. W. Lewis

Subscribed and sworn to before me
 this 2nd day of September, 1932.

M. J. Vancey
 Notary Public.



In the Circuit Court of Rockingham County, Virginia.

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

v.

Cassandra Lawson Atkins and others
and 52,591 acres of land in Rockingham County, Va.

The affidavit of W. S. Burner to be read in
connection with the motion filed by J.H. Lewin to have the find-
ings Nos. 256 and 256-a of the Board of Appraisal Commissioners
disapproved.

State of Virginia,

County of Rockingham, to-wit:

This day W. S. Burner personally appeared
before me, W. A. Spancey, a notary public in and for
the County and State aforesaid, in my county aforesaid, and, being
duly sworn, deposes and says:

I am well acquainted with the 104 and the 67 acres of land
situate on Big Run, owned by J.H. Lewin, which lands are valued by
the Board of Appraisal Commissioners at \$7.83 and at \$14.47 per
acre, respectively. Considering the fertility of these lands, the
fact that they naturally go to Blue Grass when cleared, the timber
thereon, their accessibility and nearness to market and to modern
conveniences, I am of the opinion that these lands are well worth
several times the valuation placed thereon by the Appraisal Board.
That the prices allowed by the appraisal Board are entirely too
cheap and much lower than similar lands in that community can be
purchased for. Due to the irregular form in which the 104 acres
is taken from the 236 acres, there should be allowed very substan-
tial damages to the 132 acres remaining, as this tract is left in
very bad shape.

W. S. Burner

Subscribed and sworn to before me this 22nd of September, 1935

W. A. Spancey N.P.

In the Circuit Court of Rockingham County, Virginia.

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

v.

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

The affidavit of A. H. Leap to be read in connection with the motion filed by J.H. Lewin to have the findings Nos. 256 and 256-a of the Board of Appraisal Commissioners disapproved.

State of Virginia,

County of Rockingham, to-wit:

This day A. H. Leap personally appeared before me, W. C. Yancey, a notary public in and for the County and State aforesaid, in my county aforesaid, and, being duly sworn, deposes and says:

I am well acquainted with the 104 and the 67 acres of land situate on Big Run, owned by J.H. Lewin, which lands are valued by the Board of Appraisal Commissioners at \$7.83 and at \$14.47 per acre, respectively. Considering the fertility of these lands, the fact that they naturally go to Blue Grass when cleared, the timber thereon, their accessibility and nearness to market and to modern conveniences, I am of the opinion that these lands are well worth several times the valuation placed thereon by the Appraisal Board. That the prices allowed by the appraisal Board are entirely too cheap and much lower than similar lands in that community can be purchased for. Due to the irregular form in which the 104 acres is taken from the 236 acres, there should be allowed very substantial damages to the 132 acres remaining, as this tract is left in very bad shape.

Subscribed and sworn to before me this 23rd of September, 1935

A. H. Leap

W. C. Yancey N.P.

