

County: Rappahannock
District: Piedmont

NAME OF CLAIMANT

#142 - Atkins, Britton L.

Number of Acres: 80

Location: Scott Hollow.

Roads: It is $\frac{1}{2}$ mile to the state highway at Turnbridge and thence 11 miles to Luray, the nearest shipping point.

Soil: The soil is a sandy loam of good depth and fertility, but very rocky except on the lower side. Slopes are steep except along the stream. The general exposure is to the south.

History of Tract and condition of timber: The bark and merchantable timber has been removed and there is left only good young growth to 3" DBH. The grazing land is in poor shape due to overgrazing except along the stream. The cultivated land is in good shape.

Improvements: House, log, 2 story, 6 rooms, weatherboarded, paper roof, basement and good rock foundation, fair condition; Barn, log, shed on side and end, shingle roof, poor condition, especially the roof; Garage, frame paper roof, (poor) new; Granary, frame, shed on one side, shingle roof, new; Corn house, log, shingle roof; Tenant house, log, $1\frac{1}{2}$ story, 2 room, new; Acreage and value of types: (See attached sheet)

Types	Acreage		Value per acre	Total Value
Slope:	35	@	\$3.00	\$105.00
Cove:				
Grazing Land:	36	@	18.33	660.00
Cultivated Land:	4	@	20.00	80.00
Orchard:	5	@	80.00	400.00
	80			1245.00

Minerals:

Value of Land: \$ 845.00

Value of Improvements: \$ 610.00

610.00
1855.00

Value of Orchard: \$ 400.00

Value of Minerals: \$

Value of Timber: \$

Value of Wood: \$

Value per acre for tract: \$ 23.18

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

Geo. H. Bent

CLERK

County: Rappahannock
District: Piedmont

#142 - Atkins, Britton L.
(continued)

Improvements:
Cont'd

Weatherboarded, shingle roof; Hen house, frame; Corn house; log, shingle roof.

Orchard: The orchard consists of:

185 apple trees 10 years old.

30 cherry trees 10 years old.

20 peach trees 10 years old.

15 pear trees 10 years old.

10 plum trees 10 years old.

A small vineyard.

Claim of Britton L. Atkins - 142-142a
In the Circuit Court of Rappahannock County, Virginia, No. 149, At Law.
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. Clifton Aylor et al and 37 400 acres -

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

My name is Britton L. Atkins

My Post Office Address is Sperryville, 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 140 acres, on which there are the following buildings and improvements: 5 room dwelling, barn and other out buildings -

This land is located about 4 miles from Sperryville Virginia, in the Piedmont 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 Mathias + Andrew Clark

South Berkett Atkins, Mathias Clark

East Andrew + Mathias Clark

West Mathias Clark + Sam Pullen -

I acquired my right, title, estate or interest to this property about the year 1911-1912 in the following manner:

I inherited 80 acres from my father N.A. Atkins and bought 60 acres from other heirs of N.A. Atkins.

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 10,000⁰⁰. 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 \$ 10,000⁰⁰.

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: I have about 300 bearing trees on this property - There is also valuable timber on this tract which I value at \$3000⁰⁰. About 1/2 of above property is cleared.

(Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 7 day of June, 1930.

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

The undersigned hereby certifies that B. L. Atkins 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 7 day of June, 1930.

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

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

COUNTY: RAPPAHANNOCK

DISTRICT: PIEDMONT

Acreage Claimed:Value Calimed:Location: Scott Hollow.Incumbrances, counter claims or laps: None known.Roads: It is $\frac{1}{2}$ mile to the state highway at turnbridge and thence $\frac{1}{2}$ miles to Luray, the nearest shipping point.Soil: The soil is a sandy loam of good depth and fertility but very rocky except on the lower side. Slopes are steep except along the stream. The general exposure is to the south.History of Tract and condition of timber: The bark and merchantable timber has been removed and there is left only good young growth to 3" DBH. The grazing land is in poor shape due to overgrazing except along the stream. The cultivated land is in good shape.

Improvements: The improvements consist of the following:

House, log 20 x 29, 2 story, 6 rooms, weather boarded, paper roof, basement and good rock foundation, fair condition-----	\$300.00
Barn, log, 15 x 19 x 10, shed on side and end, shingle roof, poor condition, especially the roof-----	50.00
Garage, frame, 8 x 13 $\frac{1}{2}$ x 9, paper roof (poor), new-----	20.00
Granary, frame, 12 x 19 x 8, shed on one side, shingle roof, new-----	100.00
Corn house, log 8 x 12 x 6, shingle roof-----	20.00
Tenant house, log 15 x 19, 1 $\frac{1}{2}$ story, 2 rooms, weather boarded, shingle roof-----	50.00
Hen house, frame, 9 x 10 x 8,-----	15.00
Corn house, log, 6 x 11 x 6, shingle roof-----	15.00
	<u>\$570.00</u>

Orchard:-- The orchard consists of:

185 apple trees 10 yrs. old
 30 cherry trees 10 yrs. old
 20 peach trees 10 yrs. old
 15 pear trees 10 yrs. old
 10 plum trees 10 yrs. old
 a small vineyard

There are 5 acres valued at \$80.00 per acre--\$400.

Acreage and value by types:

<u>Types:</u>	<u>Acreage</u>	<u>Value Per Acre</u>	<u>Total Value</u>
Slope	35	\$2.00	\$70.00
Grazing	36	10.00	360.00
Tillable	4	15.00	60.00
Orchard	5	60.00	
	<u>80</u>		<u>\$490.00</u>

Total value of land:	\$490.00
Total value of improvements:	570.00
Total value of Orchard:	<u>400.00</u>
Total value of tract:	\$1460.00
Average value per acre:	\$18.25

WILL EVER BE? etc.

ere he appointed to re-appraise his said property, and he him the true value of his said land, or that other appraisers he required to correct their findings and allow said property without just compensation, and that said appraiser.

Therefore, he prays that he be not deprived of his said property.

Filed in said Clerks Office;

be found described in Record 149, Tracts No 148 and 148a;
3rd: That the tracts of land proposed to be taken will
be inadequate, unfair and unjust;
proper evidence that said sums so allowed as aforesaid are
him by said Appraisers; and that he can and will show by
ments are of far greater value than the amounts so allowed
ade, unfair and unjust, and that said lands and improve-
and: That said sums so allowed are absolutely inade-
quate;

\$1852.00 for 80 acres of land, and the further sum of \$1852.00 for 80 acres of land appeared to be taken in this

That said, [redacted] has only allowed him the sum of

removed on the following reasons, to-wit:

ent, was to "day of May, 1883, in the

the Reports of Attorneys filed in the Clerk's

ATKINS, I notified, that persons had been taken out of the
 Division I. ~~They were taken out of the Division I.~~

Top of the
Invisible
Exchange, Judge of said Court;

Defendants.

Exceptions and Answer Britton L. Atkins.

Development of the State of Virginia..... Plainville.

The State Commission and Conservation

In the Circuit Court of Haddamannah County;

:signiv

State commission, conservation & development of the state of Va.

of 4 affidavits & Answers
 Britton L. Atkins
 Clayton Ayler et al, et c
 FILED IN
 CLERK'S OFFICE
 RAPPAHANNOCK COUNTY
 1932
 May 15
 Test: *[Signature]* Clerk

FILED IN
CLERK'S OFFICE
RAPPAHANNOCK COUNTY

Teste.

Virginia;

In the Circuit Court of Rappahannock County.

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

vs.

Clifton Aylor, et als., etc.

Your respondent Burton L. Allums.

in obedience to an order entered in these proceedings on the 30th day of August, 1932, says that the tract of land owned by him is the same tract of land found by the Appraisal Commissioners to be owned by him, as shown and delineated on the map returned with the report of the Board of Appraisal Commissioners, and the same tract of land described in the Exceptions filed to said report by your respondent.

Burton L. Allums
By Counsel.

W. F. Mappett p.d.

Britton L. Atkins

state commission
conservation and
development of the
state of Va.

res
clerk as per order

of the State of Virginia,
Conservation and Development
The State Commission on
in the Circuit Court of Rappahannock County,
Virginia.

FILED IN
CLERK'S OFFICE
RAPPAHANNOCK COUNTY

Sept - 14 - 19 32
Teste: Jas. M. Settle Clerk

(12)

VIRGINIA: IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY

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

V. AT LAW NO. 149

Clifton Aylor and others and Thirty-Seven Thousand Four
Hundred (37,400) Acres of land, More or Less, - Defendants.

On the ^{14th}~~12th~~ day of March, 1934, came the petitioner
in the above styled proceeding, and exhibited the record in
said proceeding, including the report of the Board of Appraisal
Commissioners therein, Table II and III thereof, and the county
Ownership Map filed therewith; and including also the several
exceptions and objections to said report and motions to dis-
approve and decline to accept the same filed with the record,
and the several motions of petitioner praying the dismissal of
the said exceptions, objections and motions, under authority of
Section 35 of the Public Park Condemnation Act, on the said ex-
ceptions, objections and motions, the several answers thereto,
and the supporting affidavits filed with the record; and in-
cluding also the order of this Court, setting this proceeding
for hearing on the 23rd day of February, 1934, and the affidavits
filed in the record, showing the form and manner in which, in
compliance with the terms of the said order, copies thereof were
furnished to the several exceptants, objectors and movants men-
tioned in the table hereinafter set out, and to their counsel
of record; and including also the order of this Court continuing
the said hearing, and setting this proceeding for hearing on
this the ^{14th}~~12th~~ day of March, 1934.

Petitioner further exhibited to the court report of
the findings of arbitrators as to certain matters submitted to
them under arbitration agreements hereinafter mentioned, which
report petitioner moved the Court to order filed with the
record.

And thereupon petitioner showed to the Court that arbitration agreements had been entered into by and between the petitioner and a number of the exceptants to the report of the Board of Appraisal Commissioners herein; that under authority and in pursuance of the said arbitration agreements, arbitrators were duly appointed, arbitration hearings were duly had, and that the above mentioned arbitrators' report set forth the findings of the said arbitrators acting under authority of the said arbitration agreements.

Petitioner further showed to the Court that, inter alia, questions as to the value of the fee simple estate in the numbered tracts of land within the area described in the petition herein, shown in the following table, and described under their respective numbers in the said report of the Board of Appraisal Commissioners herein, and as to incidental damages which will arise upon the condemnation thereof, were duly submitted to the said arbitrators, in pursuance of the said agreements, by the petitioner and some or all of the respective exceptants, objectors and movants whose names are set out after each of the said numbered tracts in the said table, which table is as follows:

Thereupon petitioner, by counsel moved the court to amend the findings as to value and damages set forth in Tables II and III of the said report of the Board of Appraisal Commissioners to conform with the findings of the said arbitrators; and, thereafter, to overrule and dismiss the several motions to disapprove the findings of the said Board of Appraisal Commissioners and the several objections and exceptions thereto, submitted by the several exceptants, objectors and movants whose names are set out in the above table, on their several exceptions, objections and motions, the answers thereto, and the supporting affidavits filed with the record, whether or not they or any of them are not lawfully bound by the findings of the said arbitrators, by reason of their omission or failure in fact to execute and enter into the above mentioned arbitration agreement, or by reason of any defect in form or of substance in the execution of said arbitration agreement, or by reason of any lack of power to execute the said arbitration agreement.

Upon consideration of all which it is adjudged and ordered that the findings as to value and incidental damages as shown in Table II. and Table III of the said report of the Board of Appraisal Commissioners as to the numbered tracts set forth in the above set out table should be and are amended in so far as that may be necessary to make the said findings conform with the findings set forth in the said report of findings by the said arbitrators; and the said amendments having been made, it is further adjudged and ordered, that the several motions to disapprove the findings of the Board of Appraisal Commissioners, and the several exceptions and objections thereto, filed by the several exceptants, objectors and movants mentioned in the above set out table should be and are overruled and dismissed, on their several exceptions, objections and motions, the answers thereto, and the supporting affidavits filed with

the record, whether they did or did not, in fact, severally execute and enter into the above mentioned arbitration agreements with the petitioner in such form and with such effect that they were and are lawfully bound by its terms and conditions.

It is further adjudged and ordered that the above mentioned amendments in the amounts of value and incidental damages set forth in Tables II and III of the report of the Board of Appraisal Commissioners herein, be made to appear by the Clerk of this Court, on the face of the said tables, accompanied with appropriate references to the date of entry of this order, by inserting the amended amounts of value in Table II of said report in red ink by the side of the numbered tract to which they relate, and by inserting with red ink in Table III of said report a note setting forth whether or not any findings as to the amount of incidental damages was made by the said arbitrators, and if the amount of any such incidental damages was found by the said arbitrators, the amount thereof and the numbered tract out of the condemnation of which such incidental damages were found to arise; all in substantially the form and manner and in the exact amounts as shown below:

TABLE II

For amendments in amounts of value of tracts 24, 54, 70-I, 142, 148, 151, 151-a, 152, 164, 164-a, 173, see order entered herein March ~~7~~¹⁴, 1934.

TRACT
NUMBER

24	\$ 6374.00
54	22349.00
70-I	1200.00
142	2004.71
148	3337.77
151	20023.00
151-a	315.85
152	1650.00
164	3040.00
164-a	1500.00
173	2607.00

TABLE III

No findings as to incidental damages by Arbitrators, except as to Tract #151, as follows: Incidental damages to re-movable furnishings \$662.00. ~~14~~¹⁴
See order entered herein March ~~14~~¹⁴, 1934.

It is further adjudged and ordered that the above-mentioned report of arbitrators be filed with the record of this proceeding:- to-wit, a report bearing date February 21, 1934, and signed by J. R. H. Alexander, H. W. Bertram and Philip Williams; and suppelemental report bearing date February 27, 1934, and signed by J. R. H. Alexander, H. W. Bertram and Philip Williams; and amended report bearing date March 1, 1934, and signed by J. R. H. Alexander, H. W. Bertram and Philip Williams.

(1)

Wednesday

Enter
Alex

Mich, 14, 1934 -
Entered H. 217 -