



20

County: Rockingham  
District: Stonewall

#50 - Dean, Wesley A.

Acreage Claimed: Assessed 75 A. Deed: 75 A.  
Value Claimed: " \$400.00 " (1904) \$300.00

Location: Head of Mensley Hollow, top of Main Ridge.

Incumbrances, counter claims or laps: None known.

Soil: Sandy clay of good depth and fair fertility; moderate slopes; northwest and southwest exposure.

Roads: Two miles of fair dirt road to Spotswood Trail in Swift Run Gap; thence 7 miles to Elkton.

History of tract and condition of timber: Portion cleared many years ago, grazed and cultivated since. One field neglected in recent years. Wooded area cut over at different times in the past. Present stand consists of mixed oaks with some hickory and poplar. It is estimated to cut an average of 300 bd. ft. per acre. Total of 15,000 bd.ft. valued @ \$2.00 per M. \$30.00.

<u>Improvements:</u> Dwelling: Log 16x20', 2 story, shingled, 4 rooms, log finish, abandoned, poor condition --	\$50.00
Barn: Log and frame 20x28x14, shingled, fair condition --	50.00
Heat house: Frame 12x16x10', shingle roof, poor condition --	15.00
Corn house: Log 8x14x5', shingle roof, poor condition --	5.00
30 apple trees - 35 years old, fair condition, @ \$60.00 per acre for trees only.	45.00
	165.00

Value of land by types:

<u>Type</u>	<u>Acreage</u>	<u>Value per acre</u>	<u>Total Value</u>
S	51	\$3.00	\$153.00
F G	22	16.00	352.00
F F	2	5.00	10.00
	75		515.00

Total value of land	\$515.00
Total value of improvements	165.00
Total value of timber	30.00
Total value of tract	710.00
Average value per acre	9.46

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

State Commission on Conservation and  
Development of the State of Virginia

v.

Wesley A. Dean and 75 acres of land and  
improvements in Rockingham County

Affidavit of Wesley A. Dean 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  
finding No. 50.

STATE OF VIRGINIA,  
CITY OF HARRISONBURG, to-wit:

Wesley A. Dean this day personally appeared before me  
Pauline M. Andrus, a notary public in and for the city and state  
aforesaid, in my city aforesaid, and being duly sworn deposes  
and says that I am the owner of 75 acres of land improved by  
dwelling house and other buildings, situate on top of Main Ridge  
of the Blue Ridge Mountain in Rockingham County, Virginia, and  
reported by the Board of Appraisal Commissioners in the above en-  
titled matter under their finding No. 50; that the tract of land  
above referred to is situate on either side of the Skyland Trail  
about two miles north of the Spotswood Trail; that said land is  
of sandy clay, of good depth, and unusual fertility, has fine  
growing timber on it, and a good orchard consisting of something  
over one hundred trees; that there is no better land to be found  
anywhere in the neighborhood of this land; that it is not for  
sale; that I was offered \$2240.00 several years ago and would  
not think of taking less than \$2500.00 for it today. I hereby  
request that this land be omitted from the contemplated Park  
Area, as I get my living from this farm and certainly do not

wish to dispose of it.

werley a dean

Subscribed and sworn to before me  
this 29th day of September, 1932.

Pauline M. Andrews

N.P.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

State Commission on Conservation and  
Development of the State of Virginia

v.

Wesley A. Dean and 75 acres of land and  
improvements in Rockingham County

Affidavit of W. F. ~~Dean~~ Dean to be read in connection with  
the motion filed by Wesley A. Dean to have the findings of the  
Board of Appraisal Commissioners disapproved in connection with  
its finding No. 50.

STATE OF VIRGINIA,

CITY OF HARRISONBURG, to-wit:

W. F. ~~Dean~~ Dean this day personally appeared before me,  
Pauline M. Andrus, a notary public in and for the city and state  
aforesaid, in my city aforesaid, and being duly sworn deposes and  
says that I have known this land all my life, lived on it for  
eight years, cultivated it, that it is land of unusually fine  
quality, no better to be found anywhere in the neighborhood in  
which it is located; and that in my opinion said real estate today  
is worth around Twenty-five Hundred Dollars (\$2500.00).

W. F. Dean

Subscribed and sworn to before me  
this 29th day of September, 1932.

Pauline M. Andrus N.P.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

State Commission on Conservation and  
Development of the State of Virginia

v.

Wesley A. Dean and 75 acres of land and  
improvements in Rockingham County

Affidavit of J. K. Haney to be read in connection with  
the motion filed by Wesley A. Dean to have the findings of the  
Board of Appraisal Commissioners disapproved in connection with  
its finding No. 50.

STATE OF VIRGINIA,

CITY OF HARRISONBURG, to-wit:

J. K. Haney, this day personally appeared before me,  
Pauline M. Andrus, a notary public in and for the city and state  
aforesaid, in my city aforesaid, and being duly sworn deposes  
and says that I live about two miles south of the Wesley A. Dean  
land sought to be condemned by the Government in its finding No.  
50; that said real estate is of unusual fertility, is well watered  
by five good springs, has valuable timber on it, as well as an  
excellent orchard, and in my opinion today this real estate is worth  
Twenty-five Hundred Dollars (\$2500.00).

J. K. Haney

Subscribed and sworn to before me  
this 29th day of September, 1932.

Pauline M. Andrus  
N.P.

No. 50

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

STATEMENT

OF )

D. W. Earman, p.q.

WESLEY A. DEAN

*Filed 8/28/33*

STATEMENT OF COSTS, POSTAGE, ETC.:

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  
fifty-two thousand, five hundred sixty-one  
acres (~~52,561~~) more or less, of land in  
Rockingham County, Virginia.

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

NOV 9 1932

*J. Robert Switzer* Clerk

In compliance with the order entered in the above  
entitled cause on October 25, 1932, and in response thereto,  
your defendant, Wesley A. Dean, respectfully states that the  
tract or parcel of land within the area sought to be condemned,  
ownership of which is claimed by him, and with reference to  
which he has filed his objections, is the same tract or parcel  
which was found by the Appraisal Commissioners to be land owned  
by him, being tract No. 50, as shown and delineated on the map  
filed with the report and exhibits thereto attached made by  
said Commissioners.

*Wesley A. Dean*  
By *Counsel*

*A. W. Jamieson*

Counsel



THE STATE COMMISSION ON CONSERVATION AND DEVELOPMENT OF VIRGINIA

vs.

CASSANDRA LAWSON ADKINS, ET ALS, and 75 acres more or less of land  
in Rockingham County, Virginia.

No. 50 at Law.

Statement of Wesley A. Dean, owner  
(Arbitration)

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

AUG 28 1933

*Robert Luntz* Clerk

I, Wesley A. Dean, am sole owner in fee simple of the tract of land shown on the County Ownership Map filed in the condemnation proceedings as No. 50, which contains 75 acres, more or less. This tract of land is situate on either side of the Skyland Trail, about two miles north of the Spotswood Trail. Said land is of sandy clay, of good depth, of unusual fertility, has fine growing timber on it, and a good orchard of about 100 trees, that there is no better land to be found near anywhere in the neighborhood of this land, that it is not for sale, that I was offered Twenty-two Hundred Forty Dollars (\$2240.00) some years ago for it, and that my estimate of the value of this property is as follows:

Three-room log dwelling	\$500.00
Frame kitchen	50.00
Barn 18 by 20 with shed attached	250.00
Chicken house	10.00
100 fruit trees @ \$4.00 each	400.00
75 acres of land @ \$18 per acre	<u>1350.00</u>
	\$2560.00

*W A Dean*

*D. W. Tamm*  
Counsel

STATE OF VIRGINIA,

CITY OF HARRISONBURG, to-wit:

This day personally appeared before the undersigned, a notary public in and for the city aforesaid in the State of Virginia, Wesley A. Dean, who made oath that the facts set out in the foregoing statement are true to the best of his knowledte and belief.

Given under my hand this 28th day of August, 1933.

Pauline W. Andrews  
Notary Public

My commission expires March 7, 1936.

STATE COMMISSION ON CONSERVA-  
TION & DEVELOPMENT OF VIRGINIA

vs.

CASSANDRA LAWSON ADKINS, et als  
and 75 acres more or less of  
land in Rockingham County,  
Virginia

Statement of Wesley A. Dean

LAW OFFICES OF  
D. WAMPLER EARMAN  
HARRISONBURG, VA.  
COMMONWEALTH'S ATTORNEY

Harrisonburg, Virginia

August 28, 1933.

Hon. Phillips Williams, Chairman  
Land Tract Board of Arbitration  
Winchester, Virginia

Dear Sir:

This is to advise you that D. W. Earman is my Attorney in the matter of the condemnation of 75 acres of land, No. 50, at law, in the matter of the State Commission of Conversation and Development of the state of Virginia against 75 acres of land situate in Rockingham County, Virginia.

Very truly yours,

W A Dean  
(DEAN)

DEAN, WESLEY A.  
50  
ROCKINGHAM COUNTY

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

SEP 9 1933

*Robert Switzer* 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: Dean, Wesley A.

ORIGINAL CLAIM: Acreage - : Value \$ - : Inc. Damages -

VALUE PLACED ON TRACT BY PETITIONER'S APPRAISERS:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
50	\$710.00	None

BOARD OF APPRAISAL COMMISSIONERS FINDINGS:

MAP NUMBER OF TRACT: 50

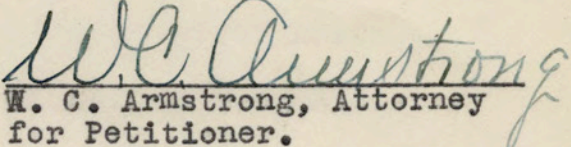
VALUE OF TRACT:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
50	\$920.00	None

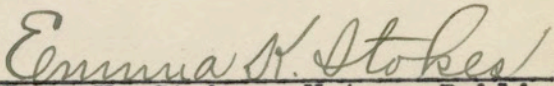
The basic differences between Petitioner and this expectant as to the classification and value of the land, and improvements, buildings, and timber values.

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<sup>th</sup> day of  
September, 1933.

  
Emma K. Stokes, Notary Public.

LAW OFFICES  
D. WAMPLER EARMAN  
HARRISONBURG, VA.  
COMMONWEALTH'S ATTORNEY

January 3, 1934

Mr. Wesley A. Dean  
Elkton, Virginia

Dear Mr. Dean:

Your case has been assigned for trial on  
January 9 (next Tuesday).

Please let me have a list of the witnesses  
you wish to have summoned in this case.

Very truly yours,

*D. Wampler*

In re: Wesley A. Dean: Tuesday January 9, 1934

Will Dean	Margaret E.
Harvey Brighten	Mundy Jan 10
Dick Hensley Jr.	F. J. Mills
Norman Getty	J. P. Hookman, Page Co. Harrisonburg, Va.
Frank Dean	Carl J. Frank
Harvey Brighten	Wm. Masters
Wesley A. Dean	

THE COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF ROCKINGHAM COUNTY, GREETING:

You are hereby commanded to summon Will Dean, Harvey Knighten, Dice Hensley, Herman Zetty, Frank Dean, Henry Knighten, and Wes McDaniel, to appear before the Board of Arbitrators, at the Court House of Rockingham County, Virginia, on Tuesday, the 9th day of January, 1934, at 10 a. m., to testify and the truth to say on behalf of the Defendant in the condemnation proceedings of State Commission on Conservation and Development of the State of Virginia v. Wesley A. Dean.

And have then and there this writ.

IN WITNESS WHEREOF, I hereunto set my hand, as the Clerk of the Circuit Court of Rockingham County, Virginia, at the Court House thereof, this, the 6th day of January, 1934, and in the 158th year of the Commonwealth.

*J. Robert Suits*, Clerk.  
*By Marjorie Bowers, D.C.*

executed \_\_\_\_\_ by delivering a true copy of the

within Summons to \_\_\_\_\_

\_\_\_\_\_ in person.



# The Service Press

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12 161.34  
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F. P. Loth

Tues.

10th Circuit -  
J. R. Haney

22

# The Service Press

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107-11 East Water Street Phone 519-J Harrisonburg, Virginia

23

STATE OF VIRGINIA )  
COUNTY OF WARREN ) SS.

Personally appeared before me the undersigned Notary Public in my said State and County, E. K. Stokes, who being duly sworn, deposed and said that she is an employee of the State Commission on Conservation and Development in immediate charge of the records of the Shenandoah National Park Division thereof having to do with claims of the Commission for distributive shares of condemnation awards in the Shenandoah National Park condemnation proceedings pending in the Circuit Courts of Virginia, by reason of contracts and agreements entered into with the owners of lands sought to be condemned in these proceedings, and that the within claim is just and correct.

Given under my hand this 2nd day of May, 1934.

*Charles F. Good*  
Notary Public  
NOTARY PUBLIC  
My Commission Expires Sep. 8, 1934

BERNICE O. M.

NOTARY PUBLIC - A sample of this book has been placed in the Clerk's office for the convenience of interested parties. It is intended to use this form in the future and is not to be used for any other purpose. It is suggested that you use this form in the future and is not to be used for any other purpose. It is suggested that you use this form in the future and is not to be used for any other purpose.

NOTE—This need not be filed until the record discloses that the awards have been paid into the custody of the Courts. MAY 7 1934

*J. Robert Switzer* Clerk

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 and Sixty-One (52,561) Acres of land, more or less . . . . . Defendants.

Comes now the undersigned and shows to the Court:

That a judgment in rem has heretofore been entered in this proceeding condemning to the use of the Petitioner the fee simple estate in the tract(s) of land numbered as follows: Tract

No. 50 . . . . . : Tract No. . . . . : Tract No. . . . . ;

and described in the report of the Board of Appraisal Commissioners appointed therein and shown, numbered, and delineated on the County Ownership Map filed therewith, upon payment into the custody of the Court of the sum(s) set out in the said judgment as constituting the

award(s) therefor, as follows: Award on Tract No. 50 . . . . . \$1,015.00; on Tract No. . . . .

\$ . . . . . ; on Tract No. . . . . \$ . . . . . ;

That the report of the said Board sets forth that the following named persons claim, or appear to have a claim to an interest in the said tract(s) of land or in the proceeds arising from the condemnation thereof;

Wesley A. Dean

That the Petitioner has paid into the custody of the Court the said sum(s) set out in said judgment as constituting the award(s) of the fee simple estate in the said tract(s) of land;

That your undersigned, on the date of the said judgment in rem condemning the said tract(s) of land, owned or was (were) entitled to the following interest in the said tract(s) or in the proceeds arising from the condemnation thereof:—

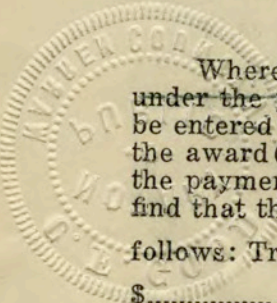
Under the terms of a duly record contract and deed, conveying the Skyline roadbed running through this tract, the owner granted and conveyed to the undersigned, the right to receive from said proceeds, the sum of \$145.00

That no other person or persons than the undersigned are entitled to share in the distribution of the said award(s) except the following named persons whose interest in said tract(s) or in the proceeds arising from the condemnation thereof on the date of entry of said judgment was as follows:

The above mentioned claimant to the extent that he may be able to establish his claim.

Wherefore, your undersigned pray(s) that ~~he (they)~~ be made a party (parties) herein under the provisions of Section 21 of the Public Park Condemnation Act, and that an order be entered for the distribution of said sum(s) set forth in said judgment in rem as constituting the award(s) for the fee simple estate in the said tract(s) condemned as aforesaid, and for the payment to the undersigned of the said award(s) or of as much thereof as the Court may find that the undersigned is (are) entitled to receive, and which the undersigned aver(s) is as follows: Tract No. 50 . . . . . \$145.00 : Tract No. . . . . \$ . . . . . : Tract No. . . . . \$ . . . . . ;

The undersigned further aver(s) that: (Leave this space blank unless there is some other pertinent matter to be brought especially to the attention of the court)



NAME	P. O. ADDRESS
STATE COMMISSION ON CONSERVATION AND DEVELOPMENT	_____
BY <i>Wesley A. Dean</i> COUNSEL	_____
_____	_____
_____	_____

NOTE—A supply of this blank has been placed in the Clerk's office for the convenience of interested parties. No one is required to use this form, as the form is not prescribed by law, and claimants can either change or modify it as they deem necessary, or present their motions in any form they may desire which meets with the approval of the Court. This blank form may not and probably will not cover all cases. It has been printed merely as a suggestion of a form of a motion which may be used, subject to the approval of the court in each case.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

THE STATE COMMISSION ON CONSERVA-  
TION AND DEVELOPMENT OF THE STATE  
OF VIRGINIA,

PETITIONER

vs. At Law No. 1829

CASSANDRA LAWSON ATKINS, et als.

DEFENDANTS

This cause came on to be further heard this 25 day of May, 1935, and it appearing to the Court that its order entered in this cause on March 11, 1935 disbursing the award set out in the judgment of condemnation of Tract No. 50, formerly belonging to Wesley A. Dean, in this proceeding, is erroneous, it is adjudged, ordered, and decreed that said order be, and the same is, hereby annulled, set aside, and made void.

And on motion of Wesley A. Dean leave is given him to file his application for the disbursement of the sum of One Thousand Fifteen Dollars (\$1015.00), the amount of the award set out in the judgment of condemnation of Tract No. 50 and heretofore paid into Court.

And likewise came Duke A. Putney, by counsel, who asked permission to file his answer to said application, which is accordingly done;

And it further appearing to the Court that Wesley A. Dean is vested with a superior or better right of title or claim in and to said tract of land No. 50 than any other person or persons, that the taxes due on said tract No. 50 have been paid, and that the interest of said Wesley A. Dean in said tract of land is subject to the lien of a certain judgment in favor of Duke A. Putney for the sum of One Hundred Three Dollars and Fifty-six Cents (\$103.56), and is subject to a credit of One Hundred Forty-five Dollars (\$145.00) advanced said Dean by said Commission:

Upon consideration whereof, it is considered and ordered by the Court that the said sum of \$1015.00 paid into Court by peti-

tioner as just compensation for tract No. 50 be disbursed as follows:

To the State Commission on Conservation and Development of the State of Virginia One Hundred Forty-five Dollars (\$145.00), this being the amount heretofore advanced by the said Commission to the said Wesley A. Dean for a right of way through said tract No. 50, more particularly described in this proceeding;

To Glenn W. Ruebush, Attorney for Duke A. Putney the sum of One Hundred Three Dollars and Fifty-six Cents (\$103.56), which said amount represents the principal, interest, 10% attorney's fees, and costs of a certain judgment against Wesley A. Dean in favor of Duke A. Putney as of February 6, 1935;

And the balance of said award, Seven Hundred Sixty-six Dollars and Forty-four Cents (\$766.44) shall be paid to John T. Harris and D. Wampler Earman, Attorneys for the said Wesley A. Dean.

And the Clerk of this Court is directed to transmit a certified copy of this order to the Treasurer of Virginia, who shall disburse the sum of One Thousand Fifteen Dollars (\$1015.00) as above set out, taking from Glen W. Ruebush, Attorney for Duke A. Putney, from John T. Harris and D. Wampler Earman, Attorneys for Wesley A. Dean, and the State Commission on Conservation and Development, receipts for the amounts paid them, and certify such payment to the Clerk of this Court for appropriate entry thereof as required by law.

*Ent  
Ruebush*

*20  
362*

COMMONWEALTH OF VIRGINIA

State Commission on Conservation and Development

WILBUR C. HALL, Chairman, Richmond  
BRADEN VANDEVENTER, Vice-Chairman, Norfolk  
MARSHALL B. BOOKER, Halifax  
C. S. CARTER, Bristol  
D. D. HULL, Jr., Roanoke  
RICHARD A. GILLIAM  
Executive Secretary and Treasurer



RICHMOND

BUREAUS OF THE COMMISSION

Forest Service  
Geological Survey  
History and Archeology  
Parks and Landscape Engineering  
State Publicity  
Water Resources and Power

Front Royal, Virginia  
May 24, 1935

Mr. W. C. Armstrong, Attorney  
State Commission on Conservation and Development  
Shenandoah National Park Division  
Front Royal, Virginia

Dear Mr. Armstrong:

Replying to your inquiry with reference to the claim of the Commission for refund on Tract No. 50, Wesley A. Dean, Rockingham County, I give you below the facts as they appear in our records:

Amount paid for right of way through Tract No. 50, to be deducted from the award of the Appraisal Commissioners, \$200.00.

Award of the Board of Arbitration .....	\$1070.00
Amount deducted under Exception 7, page 18, of the Commissioners Report, their value of the right of way strip.....	55.00
Amount paid into custody of the Court.....	<u>\$1015.00</u>

Deducting the \$55.00, the value of the strip as set out in Exception 7, from the \$200.00 (amount paid for the right of way and deductible under the deed) leaves a remaining balance of \$145.00, and the claim of the Commission should be for \$145.00 and not \$200.00 as appears to be the case.

Very sincerely yours,  
*Emma K. Stokes*  
Emma K. Stokes  
Secretary

NOTE—This need not be filed until the record discloses that the awards have been paid into the custody of the Courts.

**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 and  
Sixty-One (52,561) Acres of land, more or less . . . . . DEFENDANTS.

Comes now the undersigned and shows to the Court:

That a judgment in rem has heretofore been entered in this proceeding condemning to the use of the  
Petitioner the fee simple estate in the tract(s) of land numbered as follows: Tract No. 50 :  
Tract No. : Tract No. ;

and described in the report of the Board of Appraisal Commissioners appointed herein and shown, num-  
bered, and delineated on the County Ownership Map filed therewith, upon payment into the custody of  
the Court of the sum(s) set out in the said judgment as constituting the award(s) therefor, as follows:

Award on Tract No. 50 \$ 1015.00 ; on Tract No. : \$ : on Tract No.  
: \$ ;

That the report of the said Board sets forth that the following named persons claim, or appear to  
have a claim to an interest in the said tract(s) of land or in the proceeds arising from the condemnation  
thereof;

**WESLEY A. DEAN**

That the Petitioner has paid into the custody of the Court the said sum(s) set out in said judgment  
as constituting the award(s) for the fee simple estate in the said tract(s) of land;

That your undersigned, on the date of the said judgment in rem condemning the said tract(s) of  
land, owned or was (were) entitled to the following interest in the said tract(s) or in the proceeds  
arising from the condemnation thereof:—

**UNDER THE TERMS OF A DULY RECORDED CONTRACTS AND DEED, CONVEYING THE  
SKYLINE ROADBED RUNNING THROUGH THIS TRACT, THE OWNER GRANTED AND  
CONVEYED TO THE UNDERSIGNED, THE RIGHT TO RECEIVE FROM SAID PROCEEDS,  
THE SUM OF \$145.00**

That no other person or persons than the undersigned are entitled to share in the distribution of the  
said award(s) except the following named persons whose interest in said tract(s) or in the proceeds  
arising from the condemnation thereof on the date of entry of said judgment was as follows:

**THE ABOVE MENTIONED CLAIMANT TO THE EXTENT THAT HE MAY BE ABLE TO  
ESTABLISH HIS CLAIM**

Wherefore, your undersigned pray(s) that [he (they) be made a party (parties) herein under the  
provisions of Section 21 of the Public Park Condemnation Act, and that] an order be entered for the  
distribution of said sum(s) set forth in said judgment in rem as constituting the award(s) for the fee  
simple estate in the said tract(s) condemned as aforesaid, and for the payment to the undersigned of the  
said award(s) or of as much thereof as the Court may find that the undersigned is (are) entitled to

receive, and which the undersigned aver(s) is as follows: Tract No. : \$ : Tract  
No. \$ : Tract No. 50 \$ 145.00 ;

The undersigned further aver(s) that: (Leave this space blank unless there is some other perti-  
nent matter to be brought specially to the attention of the court)

NAME

P. O. ADDRESS

STATE COMMISSION ON CONSERVATION AND  
DEVELOPMENT-

BY *W. A. Dean*  
COUNSEL

NOTE—A supply of this blank form has been placed in the Clerk's office for the convenience of interested  
parties. No one is required to use this form, as the form is not prescribed by law, and claimants can  
either change or modify it as they deem necessary, or present their motions in any form they may de-  
sire which meets with the approval of the Court. This blank form may not and probably will not cover  
all cases. It has been printed merely as a suggestion of a form of a motion which may be used, subject  
to the approval of the court in each case.

VIRGINIA; IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY.

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

Petitioner

vs. At Law No. 1829

Cassandra Lawson Atkins, et als.

Defendants

On this 11 day of March, 1935, came Wesley A. Dean and on his motion leave is given him to file his application for the disbursement of the sum of One Thousand Seventy Dollars (<sup>1070.00</sup> \$1070.00), the amount of the award set out in the judgment of condemnation of Tract No. 50 and heretofore paid into Court.

And likewise came Duke A. Putney ~~and the State Commission on Conservation and Development of the State of Virginia~~, by counsel, who asks permission to file <sup>his</sup> ~~their~~ answer\$ to said application, which is accordingly done.

And it appearing to the Court that Wesley A. Dean is vested with a superior or better right or claim of title in and to said tract of land No. 50 than any other person or persons; that the taxes due on said tract No. 50 have been paid, and that the interest of said Wesley A. Dean in said tract of land is subject to the lien of a certain judgment in favor of Duke A. Putney for the sum of One Hundred Three Dollars and Fifty <sup>six</sup> Cents (\$103.56); *and is subject to a credit of \$200.00 advanced said Dean by said Commission.*

Upon consideration whereof it is considered and ordered by the Court that the said sum of One Thousand Seventy Dollars (\$1070.00) paid into Court by petitioner as just compensation for Tract No. 50 be disbursed as follows:

To the State Commission on Conservation and Development of the State of Virginia Two Hundred Dollars (\$200.00), this being the amount heretofore advanced by the said Commission to the said Wesley A. Dean for a right of way through said Tract No. 50, more particularly described in this proceeding;

To Glenn W. Ruebush, Attorney for Duke A. Putney, the sum of One Hundred Three Dollars and Fifty-six Cents (\$103.56), which



2.

said amount represents the principal, interest, 10% attorneys fees, and costs of a certain judgment against Wesley A. Dean in favor of said Duke A. Putney as of February 6, 1935;

And the balance of said award, Seven Hundred Sixty-six Dollars and Forty-four Cents (<sup>shall</sup>\$766.44) be paid to John T. Harris and D. Wampler Earman, Attorneys for the said Wesley A. Dean.

*The clerk of the court will certify a copy of this order to the treasurer of the state of Virginia*

*Ent  
11/13*

*20 / 330*

VIRGINIA: IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY.

The State Commission on Conserva-  
tion and Development of the State  
of Virginia,

Petitioner

vs. At Law No. 1829

Cassandra Lawson Atkins, et als

Defendent

The Answer of the State Commission on Conservation and Development of the State of Virginia to a petition filed in this cause in the Circuit Court of Rockingham County, Virginia by Wesley A. Dean.

This respondent for answer to said petition, or to so much thereof as it is advised it is material for it to answer, answers and says:

That it is true that the State Commission on Conservation and Development of the State of Virginia has heretofore advanced to the said Wesley A. Dean the sum of Two Hundred Dollars (\$200.00) for a right of way through Tract No. 50 more fully described in this proceeding.

Your respondent joins in the prayer of said petition for the distribution of said fund as set out therein; and it will ever pray, etc.

State Commission on Conservation and  
Development

By \_\_\_\_\_  
Counsel

VIRGINIA: IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY.

The State Commission on Conserva-  
tion and Development of the State  
of Virginia,

PETITIONER

v. At Law No. 1829

Cassandra Lawson Atkins and others  
and Fifty-two Thousand Five Hundred  
and Sixty-one (52,561) acres of land,  
more or less,

DEFENDANTS

The answer of Duke A. Putney to a petition filed in  
this cause in the Circuit Court of Rockingham County, Virginia  
by Wesley A. Dean.

This respondent for answer to said petition, or to so  
much thereof as he is advised it is material for him to answer,  
answers and says:

That it is true that there is docketed in the Clerk's  
Office of Rockingham County, Virginia in Judgment Lien Book  
13, page 181, a judgment in favor of your respondent against  
Wesley A. Dean, the amount of said judgment, including prin-  
cipal, interest, 10% attorney's fees, and costs, as of February  
6, 1935, amounted to \$103.56.

Your respondent joins in the prayer of said petition for  
the distribution of said fund as set out therein; and he will  
ever pray, etc.

Duke A. Putney  
By *Edward P. ...*

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 and Sixty-one (52561) acres of land, More or less,

DEFENDANTS

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

Your petitioner, Wesley A. Dean, respectfully represents:

That a judgment in rem has heretofore been entered in this proceeding condemning to the use of the petitioner the fee simple estate in a tract of land formerly the property of your petitioner, situate on the Blue Ridge Mountain, in the eastern portion of Stonewall District, Rockingham County, 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 herewith as Tract No. 50 at the price of One Thousand ~~Seventy~~ <sup>FIFTEEN</sup> Dollars <sup>1015.00</sup> (~~\$1,070.00~~), from which said amount, however, is to be deducted the sum of <sup>ONE</sup> ~~Two~~ <sup>FORTY FIVE</sup> <sup>145.00</sup> Hundred Dollars (~~\$200.00~~) paid the said Wesley A. Dean for right of way through the aforesaid tract No. 50.

Your petitioner further shows to the Court that all taxes against said property have been paid to and including the year 1933, and he herewith files certificates to that effect from M. H. Harrison, Treasurer of Rockingham County, and J. Robert Switzer, Clerk of the Circuit Court of Rockingham County, Virginia, which certificates are marked "Ex. Certificate No. 1" and "Ex. Certificate No. 2", respectively, and the same are prayed to be read as a part hereof.

Your petitioner further shows to the Court that there is only one lien on said property which is a judgment docketed in the Clerk's Office of Rockingham County, Virginia in judgment lien book No. 13, at page 181, said judgment being in favor of Duke A. Putney

against Wesley A. Dean, which said judgment, including principal, interest, 10% attorneys fees, and costs, as of February 6, 1935, amounts to \$103.56.

That no other person or persons than your petitioner, and the person owning said judgment above referred to, Duke A. Putney, *and the State Commission on Conservation and Development of the State of Virginia* is entitled to share in the distribution of said award.

Wherefore, your petitioner prays that he may be made a party herein and be allowed to file his petition in these proceedings; that the said Duke A. Putney may be made party defendant to this petition, and be required to answer the same, answer under oath being waived; that an order may be entered in this proceeding for the distribution of said award, and that your petitioner may have such other and further relief as the nature <sup>of</sup> the case may require.

*Wesley A. Dean*

STATE OF VIRGINIA,

CITY OF HARRISONBURG, to-wit:

This day Wesley A. Dean, the petitioner in the above entitled matter, personally appeared before me, Pauline M. Andrus, a notary public in and for the city and state aforesaid, in my city aforesaid, and being duly affirmed, deposes and says:

I am the petitioner in the above entitled matter. I am acquainted with the contents of the above petition, and do hereby state that the matters of fact therein set forth are true, to the best of my knowledge and belief.

*Wesley A. Dean*

Subscribed and sworn to before me  
this 1st day of March, 1935.

*Pauline M. Andrus*  
Notary Public

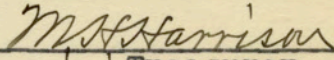
M. H. HARRISON  
TREASURER OF ROCKINGHAM COUNTY  
HARRISONBURG, VIRGINIA

March 11th, 1935

To Whom It May Concern:-----

This is to certify that Wesley A. Dean  
has paid the taxes on 75 acres of land, assessed in his name,  
for the year 1933, in Stonewall District, County of Rockingham,  
State of Virginia.

Respectfully,

  
\_\_\_\_\_  
Treasurer..

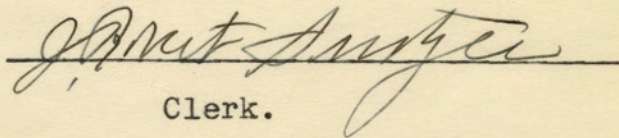
"Exhibit Certificate No. 1"

STATE OF VIRGINIA

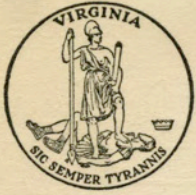
COUNTY OF ROCKINGHAM, to-wit:

I, J. Robert Switzer, Clerk of the Circuit Court of Rockingham County, State of Virginia, do hereby certify that the records in my office do not show any delinquent taxes against the tract of 75 acres in Stonewall District, assessed in the name of Wesley A. Dean.

Given under my hand this 11th day of March, 1935.

  
Clerk.

"  
Ex. Certificate No. 2"  
"



JOHN M. PURCELL  
TREASURER OF VIRGINIA

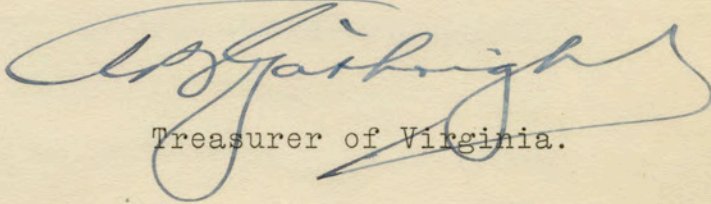
# Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

May 27, 1935.

This is to certify that I, ~~John M. Purcell~~ <sup>A. B. Gathright,</sup> Treasurer  
of Virginia have this 27 day of May in accordance  
with an order of the circuit court of Rockingham  
dated 5/25/35 in the cause of the State Commission  
on Conservation and Development of the State of Virginia  
vs. Cassandra Lawson Atkins et als  
paid to John T. Harris and D. Wampler Earman, Attorneys  
for the said Wesley A. Dean  
\$ 766.44 being in full settlement of tract # 50  
in the above mentioned cause.

  
Treasurer of Virginia.





JOHN M. PURCELL  
TREASURER OF VIRGINIA

# Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

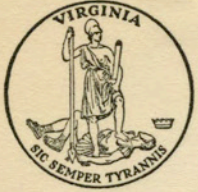
May 27, 1935.

John T. Harris and D. Wampler Earman, Attorneys  
for the said Wesley A. Dean.

A. B. Gathright,  
Received of ~~John M. Purcell~~, Treasurer of  
Virginia, the sum of \$ 766.44, in accordance  
with an order of the Circuit Court of the county  
of Rockingham entered on the 25 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 # 50.

*John T. Harris and  
D. Wampler Earman, Attorneys for the  
said Wesley A. Dean.*

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



JOHN M. PURCELL  
TREASURER OF VIRGINIA

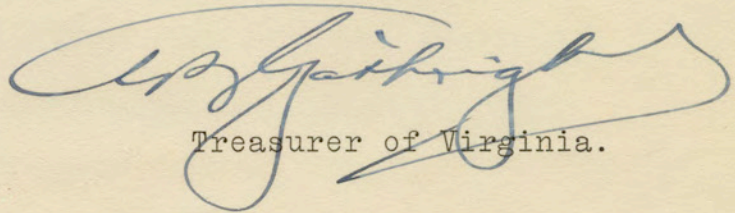
# Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

May 27, 1935.

A. B. Gathright,  
This is to certify that I, ~~John M. Purcell~~, Treasurer  
of Virginia have this 27 day of May in accordance  
with an order of the circuit court of Rockingham  
dated 5/25/35 in the cause of the State Commission  
on Conservation and Development of the State of Virginia  
vs. Cassandra Lawson Atkins, et als  
paid to Glenn W. Ruebush, Attorney for Duke A. Putney  
\$ 103.56 being in full settlement of tract # 50  
in the above mentioned cause.

  
Treasurer of Virginia.



JOHN M. PURCELL  
TREASURER OF VIRGINIA

# Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

May 27, 1935.

Glenn W. Ruebush, Attorney for

Duke A. Putney,

A. B. Gathright,  
Received of ~~John M. Purcell~~, Treasurer of  
Virginia, the sum of \$ 103.56, in accordance  
with an order of the Circuit Court of the county  
of Rockingham entered on the 25 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 # 50.

*Glenn W. Ruebush, atty.*  
*for Duke A. Putney.*

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



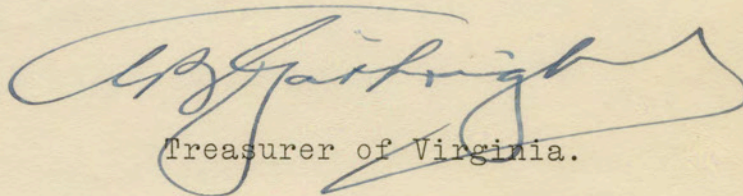
JOHN M. PURCELL  
TREASURER OF VIRGINIA

# Commonwealth of Virginia

TREASURER'S OFFICE  
RICHMOND, VA.

May 27, 1935.

A. B. Gathright,  
This is to certify that I, ~~John M. Purcell~~, Treasurer  
of Virginia have this 27 day of May in accordance  
with an order of the circuit court of Rockingham  
dated 5/25/35 in the cause of the State Commission  
on Conservation and Development of the State of Virginia  
vs. Cassandra Lawson Atkins et als  
paid to State Commission on Conservation and Development of  
the State of Virginia  
\$ 145.00 being in full settlement of tract # 50  
in the above mentioned cause.

  
Treasurer of Virginia.



JOHN M. PURCELL  
TREASURER OF VIRGINIA

# Commonwealth of Virginia

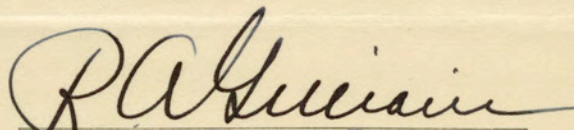
TREASURER'S OFFICE

RICHMOND, VA.

May 27, 1935.

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

A. B. Gathright,  
Received of ~~John M. Purcell~~, Treasurer of  
Virginia, the sum of \$ 145.00, in accordance  
with an order of the Circuit Court of the county  
of Rockingham entered on the 25th 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 # 50.

  
Executive Secy & Treas.

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