

County: Madison
District: Roberson

Claimant #46 - Berry, Howard.

Acreage Found: 110 *By Survey* Assessed 116 Deed 119½

Location: Weakley Hollow. Entirely within Park Area.

Incumbrances, counter claims or laps: None known.

Soil: Sandy clay loam, this tract has been cultivated until the soil is getting thin, the F. G. has quite a bit of persimmon, briars and other bushes coming in. Not much grass.

Roads: Secondary dirt roads 12 miles and 10 miles of hard surface to Culpeper, the nearest shipping point.

History of tract and condition of timber: The merchantable timber has been removed, by fire the remaining was badly damaged.

Improvements:

House, frame, 16 x 24, seven rooms, porch 6½ x 24, paper roof, 1½ stories high, good condition, occupied by owner, water supply from spring. Solid foundation.

Barn, frame, 15 x 21, shingle roof, fair condition.

Spring house, frame, 8 x 10, shingle roof, fair condition.

Hen house, frame, 8 x 10, shingle roof, fair condition.

Storage house, frame, 10 x 20, shingle roof, fair condition.

Total value of improvements -- \$990.00.

Orchard: 150 apple trees, 60 yrs. 4 acres @ \$40.00 -- \$160.00.

Value of land by types:

Type	Acreage	Value per acre	Total Value
Cove	25	\$3.00	\$75.00
Slope	35	\$2.00	\$70.00
Fc	6	\$10.00	\$60.00
Fg	21	\$10.00	\$210.00
Fr	19	\$5.00	\$95.00
Orchard	4	\$40.00	\$160.00
	<u>110</u>		<u>\$510.00</u>

Summary:

Total value of land. \$510.00
Total value of improvements. \$990.00
Total value of orchard. \$160.00
Total value of tract. \$1660.00

L. W. Fanner, Sec.

County: Madison
 District: Riberson

46, Berry, Howard

<u>Acreage claimed:</u> 118	Assessed 116	Deed 119½
<u>Value claimed:</u> \$1950	" \$598	" \$950-(4A sold leaving 115½ A)

Location: Weakley Hollow. Entirely within Park Area

Incumbrances, counter claims or laps: None known

Soil: Sandy clay loam, this tract has been cultivated until the soil is getting thin the F. G. has quite a bit of persimmon, briars and other bushes coming in. Not much grass

Roads: Secondary dirt roads 12 miles and 10 miles of hard surface to Culpeper the nearest shipping point

History of Tract and condition of Timber: The merchantable timber has been removed, by fire the remaining was badly damaged.

Improvements:

House, frame, 16 x 24, seven rooms, porch 6½ x 24, paper roof, 1½ stories high, good condition, occupied by owner water supply from spring. Solid foundation	\$600.00
Barn, frame, 15 x 21, shingle roof, fair condition	25.00
Spring house, frame, 8 x 10, shingle roof, fair condition	15.00
Hen house, frame, 8 x 10, shingle roof, fair condition	10.00
Storage house, frame, 10 x 20, shingle roof, fair condition	25.00
<i>Total Imp</i>	675.00

Orchard, 150 apple trees, 60 yrs. (poor condition)
4 acres @ \$40. - \$160. ++

Value of land by types:

<u>Type</u>	<u>Acreage</u>	<u>Value per acre</u>	<u>Total Value</u>
Cove	25	\$ 2.00	\$ 50.00
Slope	35	1.00	35.00
F. C.	6	8.00	48.00
Orchard	4	20.00	
F. G.	21	7.00	147.00
F. R.	19	4.00	76.00
	<u>110</u> (By Survey)		

Total value of land	\$356.00
Total value of improvements	675.00
Total value of orchard	80.00
Total value of tract	1111.00
Average value per acre	10.10

Claim of H. J. Berry
In the Circuit Court of Madison County, Virginia, No. 82, At Law.
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. W. D. Anderson & others

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

My name is H. J. Berry
My Post Office Address is Oldrag 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 1.16 acres, on which there are the following buildings and improvements: 1 good Dwelling House 6 Rooms
1 good Corn Crib 1 good Dairy House 40 acres in
orchard bearing trees

This land is located about 1/2 miles from Oldrag Virginia, in the Roberson 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 Geo Weasley
- South Eddie Nicholson
- East Tera Weasley
- West Elmer Dyer

I acquired my right, title, estate or interest to this property about the year 1919 in the following manner:

by receiving deed from Paul Nicholson

I claim that the total value of this tract or parcel of land with the improvements thereon is \$1950.00. 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 _____ acres of land adjoining the above described tract or parcel of land but lying outside the Park area, which I claim will be damaged by the proposed condemnation of lands within the Park area, to the extent of \$_____

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

Remarks: _____

(Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 17 day of July, 1930.

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

The undersigned hereby certifies that H. J. Berry 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 17th day of July, 1930.

L. J. Ridenour
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.

Claim of *H. J. Berry*
In the Circuit Court of *Madison* County, Virginia, No. *32* At Law
The State Commission on Conservation and Development of the State of Virginia Petitioner, vs. *W. B. Anderson & others*

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

My name is *H. J. Berry*
My Post Office Address is *Madison, 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 *1.14* acres, on which there are the following buildings and improvements: *1 good building house 4 rooms*
1 good building house 4 rooms
This land is located about *1/2* miles from *Madison* Virginia, in the *Madison* 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 *Wm. H. Berry*
South *Wm. H. Berry*
East *Wm. H. Berry*
West *Wm. H. Berry*

I acquired my right, title, estate or interest to this property about the year *1930* in the following manner: *By purchase from Wm. H. Berry*

I claim that the total value of this tract or parcel of land with the improvements thereon is *\$2200.00*. 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 *\$2200.00*.
I am the owner of *1.14* acres of land adjoining the above described tract or parcel of land but lying outside the Park area, which I claim will be included by the proposed condemnation of lands within the Park area, to the extent of *2* acres. (In the space below should be set out any additional statement or information as to this claim which claimant desires to make; and if practicable he should also include 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 *13* day of *July*, 1930.

STATE OF VIRGINIA, COUNTY OF *Madison*, To-wit:
The undersigned hereby certifies that *H. J. Berry* 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, and that appearing in his above answer are true to the best of his knowledge and belief, this *13* day of *July*, 1930.
Notary Public or Justice of the Peace
Clerk of the Court, or Special Investigator or

H. J. Berry
Filed July 22-1930
Not. W. B. Anderson

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 Madison County at Madison, Virginia

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

V. At Law No. 82

D. F. Anderson and others, and Fifty-Five Thousand (55,000) Acres, more or less, of land in Madison County, Virginia 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. 46 : Tract No. _____ : Tract No. _____;

and described in the report of the Board of Appraisal Commissioners appointed herein 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. 46 \$ 1660.00, 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;

H. J. Berry

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:—

By reason of Contribution pledge, obligating the owner, Howard Berry, to give 5 acres of his land within the Park Area to the Park Project.

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:

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. 46 \$ 5.00 : Tract No. _____ \$ _____ : Tract No. _____ \$ _____;

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

NAME

P. O. ADDRESS

STATE COMMISSION ON CONSERVATION &

DEVELOPMENT

BY

Crest Marshall

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 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.

Filed 1/9 - 1934

Justin B. Carr

Virginia: In the Circuit Court of Madison County, Madison, Virginia
The State Commission on Conservation and Development of the State of Virginia
V. At Law No. 83
J. F. Anderson and others, and Fifty-Five Tractees (25,000) Acres more or less of
land in Madison County, Virginia

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.

Witness my signature this 8th day of January, 1934.

Chas F. Good
Notary Public

NOTARY PUBLIC
My Commission Expires Sep. 8, 1934



The undersigned further avers that the undersigned is an employee of the State Commission on Conservation and Development of the State of Virginia and is in 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.

NAME _____
STATE COMMISSION ON CONSERVATION & DEVELOPMENT
BY _____

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 facts are not prescribed by law, and changes can be made or modified as they deem necessary, or present their motion in any form they may desire 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 Madison County, Virginia:

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

Petitioner -

Vs

D.F. Anderson and others, and 55,000 acres of
land in Madison County, Virginia,

Respondents-

On this, the ___ day of January, 1934, came Howard J. Berrey, and on his motion, leave is given him to file his application for the payment of \$1660.00, the amount of the award set out in the judgment of condemnation for Tract No. 46 and heretofore paid into Court. And it appearing from the report of the Board of Appraisal Commissioners heretofore filed in this cause, and in the petition for judgment# and condemnation entered herein on the ___ day of December, 1933, that, in the opinion of petitioner, the said Howard J. Berrey is invested with a superior or better right or claim of title in and to the said Tract No. 46, and that the record of this cause does not disclose any denial or dispute by any party or person in interest as to the title to said Tract No. 46, or to the proceeds arising from the condemnation thereof, except as herein otherwise provided, and it further appearing to the Court that all taxes due or payable upon said tract No. 46 have been paid. Upon further consideration whereof, it is considered and ordered by the Court that the said sum of \$1660.00, paid into Court as just compensation for said Tract No. 46, be paid out and distributed as follows:

- Madison, Va.
- (1) To N.G. Payne, atty., for donation, the sum of \$5.00
 - (2) To N.G. Payne, atty., Madison, Va. fee and costs \$12.00
 - (3) To Howard J. Berrey, Oldrag, Virginia, balance \$1643.00

And the Clerk of this Court is directed to transmit a certified copy of this order to the Treasurer of Virginia, who shall pay out said fund as above provided, the items set forth aggregating the award set out in the judgment of condemnation for Tract No. 46, taking from said parties to whom the fund is payable as aforesaid receipts therefor, and certifying such payment to the Clerk of this Court for appropriate entry thereof as required by law.

Enter.

Judge -

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

Petitioner -

vs

D.F. Anderson and others, and 55,000 acres of land in Madison County, Virginia,

Respondents-

On this, the ___ day of January, 1934, came Howard J. Berney, and on his motion, leave is given him to file his application for the payment

of \$1860.00, the amount of the award set out in the judgment of condemnation of Tract No. 48 and heretofore paid into Court. And it appearing

that the report of the Board of Appraisal Commissioners heretofore filed in this case, and the petition for judgment and condemnation entered

herein on the 17th day of December, 1933, that, in the opinion of petitioner the said Howard J. Berney is invested with a superior or better

title to the said Tract No. 48, and that the said Berney does not disclose any denial of title by any

party or person in interest in the title to said Tract No. 48, or to the proceeds arising from the condemnation thereof except as herein

otherwise provided, and it further appearing to the Court that all taxes due or payable upon said tract No. 48 have been paid. Upon further

consideration whereof, it is considered and ordered by the Court that the said sum of \$1860.00, paid into Court as just compensation for

said Tract No. 48, be paid out and distributed as follows:

- (1) To K.E. Payne, atty., for donation, the sum of \$5.00
- (2) To K.E. Payne, atty., Madison, Va. fee and costs \$12.00
- (3) To Howard J. Berney, Oldrag, Virginia, balance \$1843.00

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

said fund as above provided, the items set forth aggregating the

award set out in the judgment of condemnation for Tract No. 48, taking

from said parties to whom the fund is payable as aforesaid receipts

therefor, and certifying such payment to the Clerk of this Court for

appropriate entry thereof as required by law.

Enter.

Judge -

LAW ORDERS
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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 Madison County at Madison, Virginia

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

V. At Law No. 82

D. F. Anderson and others, and Fifty-Five Thousand (55,000) Acres, more or less, of land in Madison County, Virginia 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. 46 :

Tract No. _____ : Tract No. _____ ;

and described in the report of the Board of Appraisal Commissioners appointed herein 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. 46 \$ 1660.00, 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;

Howard J. Berrey -

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:—

The undersigned is entitled to the entire award of \$1660.00

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:

land - None - There are no liens or laps upon the said

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. 46 \$ 1660.00 Tract No. _____ \$ _____ : Tract No. _____ \$ _____ ;

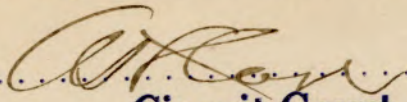
The undersigned further aver(s) that: (Leave this space blank unless there is some other pertinent matter to be brought specially to the attention of the court)

NAME	P. O. ADDRESS
<i>Howard J. Berrey</i>	Oldrag, Virginia -

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 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.

This is to certify that there are ..No.. delinquent taxes of record in my office to the amount of \$..... against the tract of land owned by ..Howard J. Berrey..... which is designated as Tract No. 46....; Tract No.....; Tract No. on the County Ownership Map filed in my Office in the action at Law pending in the name and style of the Commission on Conservation &c., vs. W. D. Anderson, and others.

Given under my hand this ..17 day of ..January....., 1934..

.....  Clerk..
Circuit Court, Madison County, Virginia

By Deputy
Clerk

This is to certify that there are ^{no} 1933 taxes of record in my office to the amount of \$ against the tract of land owned by H. J. Berry
 (1933 taxes on 116 acres paid November 17, 1933) which is designated as Tract No. ; Tract No. ; Tract No. on the County Ownership Map filed in my Office in the action at Law pending in the name and style of the Commission on Conservation &c., vs. W. D. Anderson, and others.

Given under my hand this 16th day of January, 1934.

. B. S. Utz
Treasurer, Madison County, Virginia

By *J. B. Feary* Deputy
Treasurer