

County: Madison
District: Roberson

Claimant #90 - Berry, Walker J.

Acreage Found: 105. Assessed 105. Deed 105.

Location: Robinson River. Entirely within the Park Area.

Incumbrances, counter claims or laps: The mineral rights reserved on whole, oak timber rights are reserved on 20 acres now cleared purchased from Trent Nicholson.

Soil: Sandy loam of a fair depth and fertility over most of tract. Very rocky with rock outcrops on portions of area. Slopes are moderate to steep. There is lots of stumps on a portion of the tillable land.

Roads: 8 miles via dirt road to Criglersville. 18 miles of hard surface road to Culpeper, the nearest shipping point.

History of tract and condition of timber: There is about 20M of chestnut oak timber now standing valued @ \$2.50 -- \$50.00.

Improvements: Frame dwelling, 15x23, 4 rooms, 7x23, shingle, stone flues, 2½ story, fair condition, occupied by owner, water supply spring, solid foundation.
Log and frame barn, 14x26x10, shingle, poor condition.
Frame cow shed, 13x16x6, shingle, poor condition.
Frame spring house, 7x9x8, paper roof, good condition.
Corn house, 8x16x8, good condition.
Frame hen house, 8x15x8, shingle, fair condition.
Dwelling, frame & log, 15x26, 3 rooms, porch 6x20, shingle, stone flue, 1½ story, log walls, occupied by owner, water supply spring, solid.
Corn house & shed, log & frame, 11x21x8, shingle.
Frame Garage, 15x18x10, shingle, fair condition.

Average value of improvements -- \$765.00.

Orchard: 3 acres @ \$150.00 -- \$450.00.
Nut trees \$23.00
 \$473.00.

Value of land by types:

Type	Acreage	Value per acre	Total Value
Cove	5	\$3.00	\$15.00
Slope	77	\$2.50	\$192.50
Fg	8	\$10.00	\$80.00
Fc	12	\$12.00	\$144.00
Orchard	3		\$431.50
	<u>105</u>		

Summary:

Continued in next page.

Claimant #90 - Berry, Walker J.
(Continued)

Summary:

Total value of land.	\$431.50
Total value of improvements.	\$765.00
Total value of timber	50.00
Total value of fruit & nut trees	473.00
Total value of tract.	<u>\$1719.50.</u>

Remarks: No mineral value found.

L. M. Farnsworth

County: Madison
District: Roberson

#90 Berry, Walker J.

(CONTINUED)

Value of land by types:

<u>Type</u>	<u>Acreage</u>	<u>Value per acre</u>	<u>Total Value</u>
Cove	5	\$2.00	10.00
Slope	77	1.00	77.00
Grazing	8	8.00	64.00
Tillable	12	12.00	144.00
Orchard	3	100.00	300.00
	<u>105</u> (By Survey)		<u>595.00</u>

Total value of land	\$595
Total value of improvements	610
Total value of timber	40
Total value of tract	<u>1245</u>
Average Value per acre	11.85

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

105 Acres
~~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 Walker J. Berry
My Post Office Address is Syria, 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 105 acres, on which there are the following buildings and improvements: Dwellinghouse, Double garages, barn, milk house & other outbuildings

This land is located about 4 miles from Syria Virginia, in the Robertson 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 Frank Nicholson
South Wheeler
East Henry Smith Big Surrey Lane
West Henry Smith

I acquired my right, title, estate or interest to this property about the years 1904 in the following manner:

By purchase

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 2500.00. 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 \$ 2500.00.

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: On the above tract - a nice apple orchard, about 4 acres, and a nice walnut orchard - small

(Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 21 day of July, 1930.

Walker J. Berry

STATE OF VIRGINIA, COUNTY OF Madison To-wit:

The undersigned hereby certifies that Walker 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 21 day of July, 1930.

A. H. Case

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

Claim of *Robert J. Binney*
In the Circuit Court of *Madison* County, Virginia, No. *102*
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. *Robert J. Binney*

102 acres 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 *Robert J. Binney*
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 *102* acres, on which there are the following buildings and improvements: *102 acres of land*

The land is located about *102* miles from *Madison* in *Madison* County, 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 *Madison*
South *Madison*
East *Madison*
West *Madison*

I acquired my right, title, estate or interest to this property about the year *1930* in the following manner: *by purchase*

I claim that the total value of this tract or parcel of land with the improvements thereon is *\$2500.00*. 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 *\$2500.00*.

I am the owner of *102* 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 \$ *2500.00*. (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: *On the above tract, a new apple orchard, about 4 acres, was planted in 1930.*

(Continue remarks if necessary on the back.)
Witness my signature (or my name and mark attached hereto) this *21* day of *July*, 1930.
Robert J. Binney
To-wit: *Robert J. Binney*

The undersigned hereby certifies that *Robert J. Binney* 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 things appearing in his above answer are true to the best of his knowledge and belief, this *21* day of *July*, 1930.

Clerk of the Court or Special Investigator or Notary Public or Justice of the Peace
A. H. Carr

Robert J. Binney
Filed July 21, 1930.
John H. Carr
A. H. Carr Clerk

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. 90 : 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. 90 \$1719.50; 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;

Walker 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, Walker J. 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. 90 \$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 Elliott M. Moore

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

John O'Hare Clerk

The State Commission on Conservation and Development of the State of Virginia
D. F. Anderson and others, and Fifty-Five Thousand (55,000) 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.

Charles F. Good

NOTARY PUBLIC Notary Public
My Commission Expires Sep. 8, 1934



The undersigned further avers that: Leave this space blank unless there is some other pertinent matter to be brought specially to the attention of the court.
No. _____; Tract No. _____
receive, and which the undersigned avers is as follows: Tract No. _____
said award(s) or of as much thereof as the Court may find that the undersigned is entitled to
of the said tract(s) condemned as aforesaid, and for the payment to the undersigned of the
of section 21 of the Public Law (Condensation Act, and that an order be entered for the
of your undersigned party) that (he) (she) be made a party (parties) herein under the

NAME _____
STATE COMMISSION ON CONSERVATION & DEVELOPMENT

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 petition 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 Madison County, Virginia,

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

Petitioner -

v

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

Respondents -

On this, the ____ day of January, 1934, came Walker J. Berrey and on his motion, leave is given him to file his application for the payment of the sum of \$1719.50, the amount of the award set out in the judgment of condemnation for Tract No. 90 and heretofore paid into the 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 _____, 193-, that in the opinion of petitioner the said Walker J. Berrey is invested with a superior or better right or claim of title in and to the said tract of land No. 90 and that the records 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. 90 or to the proceeds arising from the condemnation thereof, and is therefore entitled to receive the proceeds arising from the condemnation of said Tract No. 90, and it further appearing to the Court that all taxes due or payable upon said Tract No. 90 have been paid, upon further consideration whereof it is considered and ordered by the court that the said sum of \$1702.50 & \$5.00 to N.G. Payne, attorney for donation & \$12.00 fee and costs by petitioner as just compensation for Tract No. 90 be paid unto the said Walker J. Berrey and the Clerk of this Court is directed to transmit a certified copy of this order to the Treasurer of Virginia who shall pay unto the said Walker J. Berrey the said sum of \$1702.50 and \$5.00 to N.G. Payne, attorney for donation & \$12.00, fee and costs the amount of the award set out in the judgment of condemnation for Tract No. 90, taking from the said Walker J. Berrey, receipt therefor, and certifying such payment to the Clerk of this Court for appropriate entry thereof as required by law.

The addresses of the above parties are: Enter,

Walker J. Berrey, Oldrag, Va.
N.G. Payne, Madison, Va.

Judge -

In the Circuit Court of Madison County, Virginia,

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

Petitioner -

v

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

Respondents -

On this, the 17 day of January, 1934, came Walker J. Berrey and on his motion, leave is given him to file his application for the payment of the sum of \$1719.50, the amount of the award set out in the judgment of condemnation for Tract No. 90 and heretofore paid into the 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 4 day of December, 1933, that, in the opinion of petitioner the said Walker J. Berrey is invested with a superior or better right or claim of title in and to the said tract of land No. 90, 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. 90 or to the proceeds arising from the condemnation thereof, and is therefore entitled to receive the proceeds arising from the condemnation of Tract No. 90, except as hereinafter provided. And it further appearing to the Court that all taxes due or taxable upon said Tract No. 90 have been paid, upon further consideration whereof it is considered and ordered by the Court that the said sum of \$1719.50, paid into Court as just compensation for Tract No. 90 be paid out and distributed as follows:

- (1) To N.G. Payne, atty. Madison, Va. for donation, the sum of \$5.00;
- (2) To N.G. Payne, atty. Madison, Va. fee and costs, the sum of \$12.00;
- (3) To Walker J. Berrey, Oldrag, Va. the balance, \$1702.50.

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 sum as above provided, the items above set forth aggregating the award set out in the judgment of condemnation for Tract No. 90, taking from said parties to whom the sum is payable as aforesaid receipts therefor, and certifying such payment to the Clerk of this Court for appropriate entry thereof as provided by law.

Enter.

Judge -

provided by law.

Enter.

such payment to the Clerk of this Court for appropriate entry thereof as to whom the sum is payable as aforesaid receipts therefor, and certifying in the judgment of condemnation for Tract No. 90, taking from said parties above provided, the items above set forth aggregating the award set out of this order to the Treasurer of Virginia who shall pay out said sum as

And the Clerk of this Court is directed to transmit a certified copy

(3) To Walker J. Berrey, Oldrag, Va. the balance, \$1502.50.

(2) To N.G. Payne, atty. Madison, Va. fee and costs, the sum of \$15.00;

(1) To N.G. Payne, atty. Madison, Va. for donation, the sum of \$2.00;

No. 90 be paid out and distributed as follows:

the said sum of \$1510.50, paid into Court as just compensation for Tract other consideration whereof it is considered and ordered by the Court that all taxes due or taxable upon said Tract No. 90 have been paid, upon receipt as hereinafter provided. And it further appearing to the Court that to receive the proceeds arising from the condemnation of Tract No. 90, ex-

Proceeds arising from the condemnation thereof, and is therefore entitled

State Commission on Conservation and Development of the State of Virginia -
Vs
(the award - Tract No. 90 -
D.F. Anderson and others -

Enter -

Judge -

LAW ORDER
BOOK 9 PAGE 102 M
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Enter this 11.9.12

his motion, leave is given him to file his application for the payment of

On this, the V day of January, 1934, came Walker J. Berrey and on
land in Madison County, Virginia,
D.F. Anderson and others, and \$5,000 acres of
Respondents -

V
The State Commission on Conservation
and Development of the State of Virginia,
Petitioner -
In the Circuit Court of Madison County, Virginia.

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 *Walker J. Berrey*..... which is designated as Tract No. *90*.....; 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.

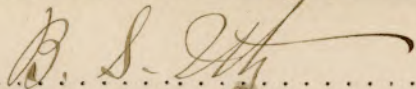
Given under my hand this *10* day of *January*, 193*4* ..

..... *A. H. Care* Clerk..
Circuit Court, Madison County, Virginia

By *Bertha W. Lattin* 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 Walker J. Berrey
..... which is
designated as Tract No. 90. . . ; 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 11. day of January, 1934 . . .



Treasurer, Madison County, Virginia

By Deputy
Treasurer

In the Circuit Court of Madison County, Virginia:

State Commission on Conservation and
Development of the State of Virginia

(Petition of Walker J. Berrey, owner of Tract #90,
Vs
(for an order of Distribution -

D. F. Anderson and others -

To the Honorable Lemuel F. Smith, Judge of the circuit court of
Madison county, Virginia.

Your petitioner, Walker J. Berrey, respectfully represents unto your
Honor as follows:

That he is the owner in fee simple of that certain tract or parcel
of land, situate, lying and being in Madison county, in the Robertson
Magisterial District, and within the bounds of the Shenandoah National
Park, which is known and designated on the Madison County ownership
map filed in the above entitled condemnation proceedings as Tract No.
90, containing 105 acres; and,

That all of the taxes on the said land up to and including the year
1933 have been paid as will duly appear from certificates of B. S. Utz,
Treasurer of Madison county, and from A. H. Cave, clerk of the circuit
court for Madison county, marked exhibits "A" and "B" and asked to be
read as a part of this petition.

That there are no deeds of trust, mortgages or judgments against the
said land, and that the said land is free and clear of liens of all
kinds.

That the Special Investigators and the Board of Appraisal Commission-
ers heretofore appointed in these condemnation proceedings awarded to
your petitioner, Walker J. Berrey, owner of said tract #90, the sum of
one thousand, seven hundred and nineteen dollars and fifty cents as

compensation and damages for the taking thereof as will more fully appear from their report heretofore filed in these proceedings on the 2nd day of June, 1932, and which said report has been duly confirmed as to the said tract or parcel of land aforesaid, and the award for the condemnation thereof has been ordered to be paid into the custody of this court pursuant to an order heretofore entered in this cause; and,

That the petition for condemnation in these proceedings states that your petitioner, Walker J. Berrey, is the apparent fee simple owner of the said tract or parcel of land, and that the record in said proceedings does not disclose any denial or dispute of such statement or charge contained in said petition, nor are there any adverse claims or laps reported in connection with said tract of land.

Wherefore your petitioner prays that your Honor's court may make an order for the distribution of the said award, and that there may be paid to your petitioner the sum of one thousand, seven hundred and nineteen dollars and fifty cents, being the amount of the said award, there being no liens against the said land and all the taxes thereon having been paid.

And your petitioner will ever pray, etc -

W. G. Sawyer Counsel
for Petitioner -

Walker J. Berrey Petitioner -