

County: Madison  
District: Roberson

Claimant #87 - Butler, Jno. W.

Acreage Found: 122 *By survey* Assessed 140 Deed 134.

Location: Old Rag P. O. and entirely within the Park Area.

Incumbrances, counter claims or laps: None known.

Soil: The soil is a sandy loam of good depth and fair fertility. There is some loose rock and a few outcrops but except on the wooded portion there is little rock. The land is level to steep. The tillable land has been cultivated for many years but is in fair condition. The grazing is smooth with gentle and moderate slopes. There is considerable yellow pine coming in and some locust, sassafras, sumac and black berry. There is some fairly good turf but little blue grass. It is mostly oat grass and broom sedge.

Roads: It is 27 miles of which 18 is paved to Culpeper, the nearest shipping point.

History of tract and condition of timber: The tract has been cut over at various times. The east end was severely burned in 1930. On the north end and along the road in the southwest corner there are a few white and yellow pine to 16" DBH.  
Timber: The estimate is 3M white pine saw timber @ \$2.00 -- \$6.00

Improvements: Tenant house, log, 20x25, 5 rooms, 1½ story, shed 8x25, porch 8x8, weather boarded, 3 rooms ceiled, stone chimney, cellar, fair condition.  
Store house, frame, 16x21x12, shingle roof, fair.  
Hen house, frame, 7x10x7, shingle, poor condition.  
Barn, log & frame, 16x22x8, shingle, poor condition.  
Corn house, log, 7x14x6, shingle roof, fair condition.

Total value of improvements -- \$525.00.

Orchard: 72 apple trees, 50-60 yrs. old in poor condition, valued @ 50¢.

Value of land by types:

| Type  | Acreage    | Value per acre | Total Value      |
|-------|------------|----------------|------------------|
| Slope | 64         | \$2.50         | \$160.00         |
| Fg    | 36         | \$10.00        | \$360.00         |
| Fc    | 22         | \$10.00        | \$220.00         |
|       | <u>122</u> |                | <u>\$740.00.</u> |

Summary:

Total value of land \$740.00  
Total value of improvements \$525.00  
Total value of timber \$ 6.00  
Total value of fruit trees. \$ 36.00  
Total value of tract. \$1307.00

*L. H. Farmer, Sec.*

County: Madison  
 District: Roberson

#87 Butler, Jno. W.

Acreage Claimed: 140                      Assessed 140                      Deed 134  
Value Claimed: \$1500                      "                      \$716                      "                      \$100 (1909)

Location: Old Rag P.O. and entirely within the Park area.

Incumbrances, counter claims, or laps: None known

Soil: The soil is a sandy loam of good depth and fair fertility. There is some loose rock and a few outcrops but except on the wooded portion there is little rock. The land is level to steep. The tillable land has been cultivated for many years but is in fair condition. The grazing is smooth with gentle and moderate slopes. There is considerable yellow pine coming in and some locust, sasafra, sumac, and black berry. There is some fairly good turf but little blue grass. It is mostly oat grass and broom sedge.

Roads: It is 27 miles of which 18 is paved to Culpeper, the nearest shipping point.

History of tract and condition of timber: The tract has been cut over at various times. The east end was severely burned in 1930. On the north end and along the road in the southwest corner there are a few white and yellow pine to 16" DBH.  
Timber: The estimate is 3M white pine sawtimber @2.00 = \$6.00

Improvements: Tenant house, log, 26x25, 5 rooms, 1 1/2 story, shed 8x25, porch 8x8, weather boarded, 3 rooms ceiled, stone chimney, cellar, fair cond. \$225.  
 Store house, frame, 16x21x12, shingle roof, fair 125  
 Hen house, frame, 7x10x7, shingle, poor cond. 5  
 Barn, log & frame, 16x22x8, shingle, poor cond. 35  
 Corn house, log, 7x14x6, shingle roof, fair cond. 10  
*Value \$525* \$400  
 Orchard: 72 apple trees, 50-60 yrs. old in poor cond. valued @ 50¢ 36

| <u>Value of land by types:</u> |                 | <u>Value</u>    | <u>Total</u> |
|--------------------------------|-----------------|-----------------|--------------|
| <u>Type</u>                    | <u>Acreage</u>  | <u>per acre</u> | <u>Value</u> |
| Slope                          | 64              | 1.50            | 96.00        |
| Grazing                        | 36              | 6.00            | 216.00       |
| Tillable                       | 22              | 10.00           | 220.00       |
|                                | 122 (By Survey) |                 | 532.00       |

Total value of land \$532  
 Total value of improvements 400  
 Total value of timber 6  
 Total value of orchard 36  
 Total value of tract 974.00

Claim of J. W. Butler  
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 & als  
140 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 J. W. Butler  
My Post Office Address is Summit Road W.D.

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 140 acres, on which there are the following buildings and improvements: 5 room residence, storehouse, barn house, barn & other out buildings

This land is located about at miles from Oldroyd Virginia, in the Robt. 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 W. A. Brown  
South Barbara E. McPerson  
East Eddie Richardson  
West G. W. Dyer

I acquired my right, title, estate or interest to this property about the year 1908-1912 in the following manner:  
Joint and proud right, partition and from Geo. W. Dyer

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 1500.00. 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 \$ 1500.00.

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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(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 J. W. Butler 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 17 day of July, 1930.

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

*J. W. Butler*

Claim of  
in the Circuit Court of  
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs.

more or less of land in  
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  
County, Virginia, asks leave of the Court to file this

My name is  
My Post Office Address is

I claim right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 140 acres, on which there are the following improvements:

located in  
Magisterial District of said County, Virginia, in

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, should set out exactly what right, title, estate or interest he has in or to the tract or parcel of land described above.)

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

I acquired my right, title, estate or interest to this property about the year 1908 in the following manner:

I claim that the total value of this tract or parcel of land with the improvements thereon is \$1500. 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 \$1500.

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  
The undersigned hereby certifies that the above named claimant personally appeared before him and made oath that the matters and things appearing in his above answer are true to the best of his knowledge and belief.

day of July, 1930.  
Clerk of the Court or Special Investigator as Notary Public or Justice of the Peace

J. W. Butler

Filed July 17th 1930  
J. W. Butler

J. W. Butler  
County, Virginia, Detendant  
At Law, Virginia, No. 82  
Petitioner, vs. J. W. Butler  
140 acres  
County, Virginia, Detendant  
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  
County, Virginia, asks leave of the Court to file this  
as his answer to said petition and to said notice  
My name is  
My Post Office Address is

I claim right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 140 acres, on which there are the following improvements:  
located in  
Magisterial District of said County, Virginia, in  
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, should set out exactly what right, title, estate or interest he has in or to the tract or parcel of land described above.)  
The owners adjacent to the above described tract or parcel of land are as follows:  
North  
South  
East  
West

I acquired my right, title, estate or interest to this property about the year 1908 in the following manner:

I claim that the total value of this tract or parcel of land with the improvements thereon is \$1500. 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 \$1500.

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  
The undersigned hereby certifies that the above named claimant personally appeared before him and made oath that the matters and things appearing in his above answer are true to the best of his knowledge and belief.

day of July, 1930.  
Clerk of the Court or Special Investigator as Notary Public or Justice of the Peace

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. 87-----:

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. 87----- \$ 1307.00, 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;

J. W. Butler

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, Jno. W. Butler, to give 10 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. 87----- \$ 15.00-----: 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 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 1/9-34

Isse: W. H. Row Creek

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

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

That a judgment in favor of the defendants has been entered in this proceeding...

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. \_\_\_\_\_ \$ \_\_\_\_\_  
Taxes No. \_\_\_\_\_  
Taxes No. \_\_\_\_\_

STATE COMMISSION ON CONSERVATION  
& DEVELOPMENT  
NAME \_\_\_\_\_  
P. O. ADDRESS \_\_\_\_\_  
\_\_\_\_\_

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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,

Defendants -

On this, the 24th day of January, 1934, came John W. Butler, and on his motion, leave is given him to file his application for the payment of \$1307.00, the amount of the award set out in the judgment of condemnation for Tract No. 87 and heretofore paid into Court. And it further 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 4th day of December, 1933, that, in the opinion of petitioners the said John W. Butler, is invested with a ~~superior~~ superior or better right or claim of title in and to the said Tract No. 87, and that the record of this cause does not disclose any denial or dispute as to the title to said Tract No. 87, and that the record of this cause does not disclose any denial or dispute as to the title to said Tract No. 87, or to the proceeds arising from the condemnation thereof, except as herein provided, and it further appearing to the Court that all taxes due or payable upon said Tract No. 87 have been paid, upon consideration whereof, it is considered and ordered by the Court that the sum of \$1307.00, paid into Court as just compensation for Tract No. 87, be paid out and distributed as follows:

- |   |           |
|---|-----------|
| (1) To B.S.Utz, Treas. Madison, Va. taxes for 1933 - - - - -  | 16.21     |
| (2) To N.G.Payne, atty. Madison, Va. for donation to Park     | \$15.00   |
| (3) To N.G.Payne, atty. Madison, Va. for fee and costs        | 12.00     |
| (4) To John W. Butler, Summit Point, W. Va., R.F.D. - - - - - | \$1263.79 |

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. 87, taking from ~~parties~~ 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.

entry thereof, as required by law, and certifying such payment to the Clerk of this Court for appropriate parties to whom the fund is payable as aforesaid receipts therefor, set out in the judgment of condemnation for Tract No. 87, taking from

said fund as above provided, the items set forth aggregating the award copy of this order to the Treasurer of Virginia, who shall pay out

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

- (4) To John W. Butler, Summit Point, W. Va., E.T.D. - - - 1933, \$0.00
- (3) To N.G. Payne, Atty. Madison, Va. for fee and costs 15.00
- (2) To N.G. Payne, Atty. Madison, Va. for donation to Park \$15.00
- (1) To B.S. Utz, Treas. Madison, Va. taxes for 1933 - - - - 16.51

distributed as follows: into Court as just compensation for Tract No. 87, be paid out and considered and ordered by the Court that the sum of \$1307.00, paid said Tract No. 87 have been paid, upon consideration whereof, it is it further appearing to the Court that all taxes due or payable upon arising from the condemnation thereof, except as herein provided, and dispute as to the title to said Tract No. 87, or to the proceeds and that the record of this cause does not disclose any denial of

disclose any denial or dispute as to the title to said Tract No. 87, the said Tract No. 87, and that the record of this cause does not reflect a denial or superior or better right or claim of title in and to the said Tract No. 87, and that the said John W. Butler, as investor and defendant entered herein on the 24th day of December, 1933, and judgment entered in this cause and in the petition for judgment entered herein filed in this cause and in the petition for judgment filed herein the report of the Board of Appraisers' Commission-Commissioner of the State of Virginia, and herebefore paid into Court. And it is ordered that the amount of the award set out in the judgment of \$1307.00, be paid to the said John W. Butler, as investor and defendant.

State Commission on Conservation and Development of the State of Virginia  
(Order for Distribution of Award for Tract No. 87 owned by John W. Butler)

D. F. Anderson and others -

Enter - *AA* Judge

LAW ORDER  
PAGE 108  
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T.G.P.

On this, the 24th day of January, 1934, came John W. Butler, and land in Madison County, Virginia, D. F. Anderson and others, and \$5,000 acres of

Defendants -  
Petitioner -  
In the Circuit Court of Madison County, Virginia,



This is to certify that there are ..... 1933 taxes of record  
in my office to the amount of \$ 16.21 . against the tract of land  
owned by John W. Butler .....

..... which is  
designated as Tract No. 87 . . ; 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 22<sup>nd</sup> day of . . . January . . . . , 1934 . .

.....  
B. S. Utz

Treasurer, Madison County, Virginia

By *J. B. Fray* ..... Deputy  
Treasurer

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. 87 : 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. 87 \$ 1307.00; 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;

The undersigned owned the said tract No. 87 of 122 acres, more or less, in fee simple -

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, but is due the State Commission on Conservation and Development of the State of Virginia the sum of \$15.00 for a donation of ten acres to the Park -

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:

None except above -

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. 87 \$ 1307.00 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)

The taxes on the land for the year 1933 amounting to the sum of sixteen dollars and twenty one cents are unpaid -

I request that the award be paid to N. G. Payne, attorney for me.

NAME

P. O. ADDRESS

*John W. Butler* Summit Point, West Virginia.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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