

County: Madison
District: Roberson

Claimant #48 - Dyer, Elmer.

Acreage Found: 44

Assessed 37

Location: Near Old Rag P. O. Entirely within the Park Area.

Incumbrances, counter claims or laps: None known.

Soil: Sandy loam of a fair depth and fertility. Loose rock and some outcrops over the entire tract.

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

History of tract and condition of timber: All the merchantable saw timber has been removed from this tract.

Improvements: Log and frame house 19 x 19, L 12 x 18, 4 rooms, porch 5 x 19, shingle, stone flues, 1½ story, walls ceiled, fair condition, occupied by owner, water supply spring, cellar. Barn and shed, log, 25 x 25, shingle, poor condition. Log Meat house, 8 x 9, shingle, poor condition. Log Corn crib, 15 x 18, shingle, poor condition. Frame car shed, 11 x 14, shingle, fair condition. Frame corn crib, 8 x 12, shingle, fair condition. Total value of improvements -- \$430.00.

Orchard: 100 apple trees @ \$1.50 --- \$150.00.

Value of land by types:

Type	Acreage	Value per acre	Total Value
Slope	24	\$2.50	\$60.00
Fg	6	\$10.00	\$60.00
Fc	11	\$12.00	\$132.00
Fr	3	\$5.00	\$15.00
	<u>44</u>		<u>\$267.00.</u>

Summary:

Total value of land.	\$267.00
Total value of improvements.	\$430.00
Total value of orchard.	\$150.00
	<u>\$847.00.</u>

L. W. Turner, Sec.

County: Madison
 District: Roberson

#48 Dyer, Elmer

Acreage Claimed: 37 Assessed 37 Deed Indefinite
Value Claimed: 1050 " 248 D 2 tracts. D.B.45 p337

Location: Near Old Rag P.O. Entirely within the Park Area.

Incumbrances, counter claims, or laps: None known.

Soil: Sandy loam of a fair depth and fertility. Loose rock and some outcrops over the entire tract.

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

History of tract and condition of timber: All the merchantable saw timber has been removed from this tract.

Improvements: Log and frame house 19 x 19, L 12 x 18, 4 rooms porch 5 x 19, shingle, stone flues, 1 1/2 story, walls ceiled, fair cond. occupied by owner, water supply spring, cellar
 Barn and shed, log, 25 x 25, shingle, poor cond.
 Log Meat house, 8 x 9, shingle, poor condition.
 Log Corn crib, 15 x 18, shingle, poor cond.
 Frame car shed, 11 x 14, shingle, fair cond.
 Frame corn crib, 8 x 12, shingle, fair cond.

\$275.00 275-
 70.00 -30
 5.00 = 10
 40.00 = 26-
 15.00 30
 25.00 25-
 (430.00) —
 60.00

Orchard: (80) apple trees @ (75¢) per tree
 100 \$150 \$150

Value of land by types:

Type	Acreage	Value per acre	Total Value
Slope	24	\$150	\$ 36.00
F. G.	6	8.00	48 00
F. C.	11	10.00	110.00
F. R.	3	4.	12.00
	44 (By Survey)		206.00

Total value of land \$ 206.00
 Total value of improvements 430.00
 Total value of orchard 60.00
 Total value of tract 696.00
 Average value per acre 15.98

Claim of Elmer Dyer
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 37 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 Elmer Dyer
My Post Office Address is Old Rag, 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 37 acres, on which there are the following buildings and improvements: Dwelling-house, barn and other out-buildings - young orchard of about 100 trees

This land is located about 1/4 miles from Old Rag P. O. 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 Mayer Smith
South Eddie Nicholson
East Howard Barry
West W. D. Brown

I acquired my right, title, estate or interest to this property about the year 1920 in the following manner:
By purchase

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 1050.00. 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 \$ 1050.00.

I am the owner of none 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 11th day of July, 1930. Elmer Dyer

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

The undersigned hereby certifies that Elmer Dyer 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 11th day of July, 1930.

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

Claim of *Charles A. Carter*
in the Circuit Court of *Madison County, Virginia, No. 27*
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. *Madison County, Virginia*

more or less of land in *27*
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 *Charles A. Carter*
My Post Office Address is *Old Key, 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 *37* acres, on which there are the following buildings and improvements: *Building, fence, trees, etc.*
This land is located about *1/4* miles from *Old Key P.O.* in *Madison County, Virginia*.

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.)
See answer

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

I acquired my right, title, estate or interest to this property about the year *1920* in the following manner: *By purchase*
I claim that the total value of this tract or parcel of land with the improvements thereon is \$ *1000.00*. 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 \$ *1000.00*. I am the owner of *37* acres of land adjoining the above described tract or parcel of land 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 \$ *1000.00*. (In the space below should be set out any additional statements or information as to the 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:

Filed July 11, 1930.
Chas. A. Carter
Att. H. Carter
Clark

Charles A. Carter

(Continue remarks if necessary on the back.)
Witness my signature (or my name and mark attached hereto) this *11th* day of *July*, 1930.

STATE OF VIRGINIA, COUNTY OF *Madison*
To-wit: *Charles A. Carter*
The undersigned hereby certifies that *Charles A. Carter* 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 *11th* day of *July*, 1930.

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

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. 48 : 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. 48 \$ 847.00; 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;

Elmer Dyer

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, Elmer Dyer, to give 3 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. 48 \$ 4.50 : 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

Robert 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.

John A. ...

Notary Public in the State of Virginia
The State Commission on Conservation and Development of the State of Virginia
I, E. K. Stokes, Notary Public, do hereby certify that the within and above named person and shows, and
That a judgment in favor of the undersigned has been entered in this proceeding concerning to the use of the
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

My Commission Expires Sep. 8, 1934



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

STATE COMMISSION ON CONSERVATION AND DEVELOPMENT
NAME
P. O. ADDRESS

Note—A supply of this blank form has been placed in the Clerk's office for the convenience of interested parties. No fee is required to use this form, as the form is not prescribed by law, and claimants can make changes or modify it as they deem necessary, or present their motions to any court they may desire which means 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 -

▼

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

Respondents -

On this, the 24th day of January, 1934, came Elmer Dyer and on his motion, leave is given him to file his application for the payment of the sum of \$847.00, the amount of the award set out in the judgment of condemnation for Tract No. 48 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 4th day of December, 1933, that in the opinion of petitioner the said Elmer Dyer is invested with a superior or better right or claim of title in and to the said Tract of land No. 48 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. 48 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. 48, and it further appearing to the Court that all taxes due or payable upon said Tract No. 48 have been paid, upon consideration whereof it is considered and ordered by the Court that the said sum of \$847.00 paid into Court by petitioner as just compensation for Tract No. 48 be paid out and distributed as follows:

- | | |
|---|----------|
| (1) To N.G. Payne, atty. Madison, Va. for donation | \$4.50 |
| (2) To N.G. Payne, atty. Madison, Va. fee and costs | \$12.00 |
| (3) To Elmer Dyer, Oldrag, Virginia, balance | \$830.50 |

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 fund as above provided, the items above 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 provided by law.

thereof, as provided by law.

certifying such payment to the Clerk of this Court for appropriate entry
parties to whom the fund is payable as aforesaid receipts therefor, and
out in the judgment of condemnation for Tract No. 48, taking from said
as above provided, the items above set forth aggregating the award set
of this order to the Treasurer of Virginia, who shall pay out said fund

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

(3) To Elmer Dyer, Dillard, Virginia, balance \$230.50

(2) To N.O. Payne, atty. Madison, Va. fee and costs \$15.00

(1) To N.O. Payne, atty. Madison, Va. for donation \$4.50

consent for Tract No. 48 be paid out and distributed as follows:

that the said sum of \$245.00 paid into Court by petitioner as just com-
upon consideration whereof it is considered and ordered by the Court
that all taxes due or payable upon said Tract No. 48 have been paid,
demolition of said Tract No. 48, and it further appearing to the Court
and is therefore entitled to receive the proceeds arising from the con-

*Enter this
7.5.34*

Tract No. 48 or to the proceeds arising from the condemnation thereof,
dispute by any party or person in interest as to the title to said
48 and that the record of this cause does not disclose any denial
of or better right or claim of title in and to the said Tract of land
in principle of petitioner, the said Elmer Dyer is invested with a super-
in entered heretofore on the _____ day of _____, 1932, that in
this case and the petition for judgment and condem-
from the proceeds of the board of Appraisal Commissioners here-
of Tract No. 48 and heretofore paid into Court. And it
the sum of \$245.00, the amount of the award set out in the judgment of

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

(Order for Distribution of
Vs
(the award - Tract No. 48 -

D. F. Anderson and others -
(Elmer Dyer)
Enter.

Judge

LAW ORDER
PAGE 1/0
9

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

On this, the 24th day of January, 1934, came Elmer Dyer and on his
land in Madison County, Virginia; Respondents -
D. F. Anderson and others, and \$2,000 acres of

4

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

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

Vs (Petition of Elmer Dyer, owner of Tract No. 48 for 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, Elmer Dyer, respectfully represents:

That he is the owner of Tract No. 48, being that certain tract of
land situate, lying and being in Madison county, in the Robertson
Magisterial District, and within the bounds of the Shenandoah Nation-
al Park, and which is known and designated in the report of the Board
of Appraisal Commissioners, and on the Madison County ownership map,
filed in the above entitled condemnation proceedings as Tract No. 48,
containing 37 acres; and

That there are no liens binding the said land.

That the Board of Appraisal Commissioners awarded your petitioner
for the said Tract of land the sum of \$847.00 as compensation and
damages for the taking thereof as will more fully appear from the
report of the said Board of Appraisal Commissioners heretofore filed
in this cause on the 2nd day of June, 1932, and which report has been
duly confirmed as to the said tract of land aforesaid, and the award
for the condemnation thereof ordered to be paid into the custody of
this Court pursuant to an order heretofore entered therein; and

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

That all taxes due on said tract of land have been paid.

Page 2 -

Wherefore, your petitioner prays that your Honor's Court may enter an order for the distribution of the said award, and that the said sum of (\$47.00), eight hundred and forty seven dollars, may be directed to be paid to your petitioner, who is the fee simple owner of said tract of land.

And your petitioner will ever pray, etc.


N. G. Payne Counsel -

X. Edwin Dyer Petitioner -

This is to certify that there are ... No ... 1933 taxes of record
in my office to the amount of \$ No ... against the tract of land
owned by ... Elma C. Dyer

..... which is
designated as Tract No. 48 ... ; 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

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 ... Elmer Dyer..... which is designated as Tract No. .48...; 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....., 1934..

..... *A. H. Care* Clerk..
Circuit Court, Madison County, Virginia
By *Bertha W. Pattie* Deputy
Clerk