

Claimant #94-Dyer, Waverly T.

Acreage Found: 225

Assessed 140 A.

AREA: 225 A. (By actual survey)

Location: Near 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 fertility, with good humus. There is considerable loose rock and some outcrops. Some level land is found along the lower boundary, and the slopes are gentle to steep. The re-stocking has good soil with comparatively little rock, and some grass, but is gradually growing up to pine and poplar. The grazing has some blue grass sod around the house, but most of it is covered with broom sedge.

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

History of tract and condition of timber: There has been a good stand of poplar and white, red and chestnut oak, which is now being cut. For many years there has been no fire, and there is some young poplar, red oak, chestnut oak, birch, and basswood to 12" DBH.

Improvements: Dwelling: Log and frame, 16x36', 4 rooms ($\frac{1}{2}$ story) porch 8x32', stone chimney, solid foundation, poor condition, vacant.
Barn: Log and frame, 13x32x10, shingle roof, poor condition.
Corn house: Log, 6x12x7', shingle roof, poor condition.
Old Barn: Log, 20x24x12', shingle roof, poor condition.
Hen house: Frame, 6x8', shingle roof, poor condition.
Dwelling: Log and frame, 16x26', 3 rooms, $1\frac{1}{2}$ story, weatherboarded; porch 7x18', solid foundation, fair condition, vacant.
Barn: Log, 12x40x10', shingle roof, poor condition.
Well house: Stone, 10x23x8', fair condition.
Corn house and sheds: Frame, 16x24x12', shingle roof, fair condition.

Total value of improvements -- \$430.00.

Orchard: At the upper place there are 36 apple trees 60 yrs. old, poor condition.
20 apple trees, 10 yrs. old in fair condition.
At lower place, 24 apple trees, 20 yrs. old in fair condition.

Total value of fruit -- \$50.00.

(Continued)

County: Madison
District: Roberson.

Claimant #94 - Dyer, Waverly T.
(continued)

Value of land by types:

<u>Type</u>	<u>Acreage</u>	<u>Value per acre</u>	<u>Total Value</u>
Cove	68	\$3.00	\$204.00
Slope	128	\$2.00	\$256.00
Fc & Fg	9	\$10.00	\$90.00
Fr	20	\$5.00	\$100.00
	<u>225</u>		<u>\$650.00.</u>

Summary:

Total value of land.	\$650.00
Total value of improvements.	\$430.00
Total value of fruit trees.	50.00
	<u>\$1130.00.</u>

L. H. Farmer, Sec.

#94-Dyer, Waverly, T.

Acreage Claimed: Assessed: 140 A. Deed: Not Available.

Value Claimed: Assessed: \$840.00 Deed:
 AREA: 225 A. (By actual survey)

Location: Near 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 fertility, with good humus. There is considerable loose rock and some outcrops. Some level land is found along the lower boundary, and the slopes are gentle to steep. The re-stocking has good soil with comparatively little rock, and some grass, but is gradually growing up to pine and poplar. The grazing has some blue grass sod around the house, but most of it is covered with broom sedge.

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

History of tract and condition of timber: There has been a good stand of poplar, and white, red and chestnut oak, which is now being cut. For many years there has been no fire, and there is some young poplar, red oak, chestnut oak, birch, and basswood to 12" DBH. (which is being left.)

Improvements:

<u>Dwelling:</u> Log and frame, 16x36', 4 rooms (1/2 story) porch 8x32', stone chimney, solid foundation, poor condition, - vacant-----	\$165.00
<u>Barn:</u> Log and frame, 13x32x10, shingle roof, poor condition-----	35.00
<u>Corn house:</u> Log, 6x12x7', shingle roof, poor condition-----	5.00
<u>Old Barn:</u> Log, 20x24x12', shingle roof, poor "	15.00
<u>Hen house:</u> Frame, 6x8', shingle roof, poor "	5.00
<u>Dwelling:</u> Log and frame, 16x26', 3 rooms, 1 1/2 story, weatherboarded; porch 7x18', solid foundation, fair condition, Vacant-----	100.00
<u>Barn:</u> Log, 12x40x10', shingle roof, poor condition-----	15.00
<u>Well house:</u> stone, 10x23x8', fair condition--	40.00
<u>Corn house and sheds:</u> Frame, 16x24x12', shingle roof, Fair condition-----	40.00
<i>Total Value Imp \$430.**</i>	
<u>\$420.00</u>	
<u>Orchard:</u> At the upper place there are 36 apple trees 60 yrs. old, poor condition: @ (50¢-\$18.00)	}
20 apple trees, 10 yrs. old, in fair condition----- @ 75¢-\$15.00	
At lower place, 24 apple trees, 20 yrs. old, in fair condition----- @ 75¢-\$18.00	
<i>Total Value Fruit \$50.**</i>	
<u>\$51.00</u>	

County: Madison
District: Roberson

#94 - Dyer, Waverly E.
(continued)

Value of land by types:

Type	Acreage	Value per acre	Total Value
Cove	68	\$3.00	\$204.00
Slope	128	1.50	192.00
Grazing	2	8.00	16.00
Tillable	7	7.00	49.00
Restocking	20	6.00	120.00
	<u>225</u>		<u>\$581.00</u>

Total value of land	\$581.00
Total value of improvements	420.00
Total value of orchard	51.00
Total value of tract	<u>\$1052.00</u>
Average value per acre	\$4.68

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

vs.

Waverly T. Dyer

Filed April 16, 1931

Teste:

Clerk.

Claim of _____
in the Circuit Court of _____ County, Virginia, No. _____
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. _____

more or less of land in _____ 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 _____ 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 a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about _____ acres, on which there are the following buildings and improvements: _____

his land is located about _____ miles from _____ Virginia, in _____
I claim the following right, title, estate or interest in the tract or parcel of land described above: (In the 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 what right, title, estate or interest he has in or to the tract or parcel of land described above.)
_____ Clerk.

The land 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 _____ in the following manner: _____

I claim that the total value of this tract or parcel of land with the improvements thereon is \$_____. 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 _____ day of _____, 1931.

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

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, this _____ day of _____, 1931.

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

Claim of Warely T. 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. J. Anderson & others

more or less, of land in Madison Pa 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 Warely T. 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 140 1/2 acres, on which there are the following buildings and improvements: 2 Dwellings and other improvements orchard

This land is located about 1/2 miles from Old Rag, 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 J. W. Dyer
South F. T. Nicholson
East Mrs. Ella Nicholson
West J. O. Nicholson

I acquired my right, title, estate or interest to this property about the year 1926-1929 in the following manner: Purchased from B. N. Smith & Sons, P. P. Swob & Sons

I claim that the total value of this tract or parcel of land with the improvements thereon is \$2,000. 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 \$2,000

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 16th day of April, 1930. Warely T. Dyer

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

The undersigned hereby certifies that Warely T. 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 16th day of April, 1930.

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

Forms of Virginia - Section 10
The State Commission on Conservation and Development of the State of Virginia - Form No. 10

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

Jan. 26, 1934

D. F. Anderson and Others, and Fifty-Five Thousand
(55,000) Acres, More or Less, of Land in Madison
County, Virginia - - - - - Defendants.

This day came the State Commission on Conservation and Development of the State of Virginia, the above named Petitioner, by counsel, and exhibited the record of the above styled proceeding, and announced its purpose and intention to move and pray the Court on the 20 day of February, 1934, to enter Judgment in rem, in substantially the form, words and figures shown in a proposed draft thereof hereinafter set forth at length, (but with such modifications as to the amounts of "value" and "incidental damages" shown in the table included in said draft as may have been ordered at the date of entry of said judgment, under authority of Section 36 of the Public Park Condemnation Act) condemning to the use of the Petitioner each of the several tracts of land within the area described in the petition which are severally designated in the table included in said proposed draft of said judgment by the respective numbers thereof as shown, designated and delineated on the County Ownership Map filed with the report of the Board of Appraisal Commissioners appointed herein; and also to move for such other and further relief as Petitioner may be advised, including orders for the dismissal of this proceeding in respect of any or all the various tracts of land shown and delineated on said Map which Petitioner may decide not to acquire as authorized under Section 22 of the Public Park Condemnation Act; and thereupon Petitioner moved the entry of an order setting this proceeding for hearing on said date, and directing any and all the parties of record in this proceeding, if they desire to oppose the entry of said judgment in rem, to show cause, if any such cause there be, in writing filed with the record of this proceeding not later than five days prior to the said date, why the said judgment in rem should not be entered on the motion and prayer of the Petitioner.

It appearing from the said record that the respective values of the fee simple estate in each and all of the said tracts of land as to which Petitioner purposes to pray for judgment in rem, and the respective amounts of incidental damages which will result from the proposed condemnation thereof have been determined, ascertained and set forth in the report filed by the Board of Appraisal Commissioners heretofore appointed in this proceeding; and it appearing from the report of the said Board of Appraisal Commissioners and of the Special Investigators heretofore appointed in this proceeding that guardians ad litem have

been appointed and have appeared in this proceeding on behalf of all infants, insane persons, and persons under other legal disabilities who, after diligent search, were found and reported by said Special Investigators or otherwise shown to have any real claim of right, title, estate or interest in or to any of the lands described in the petition filed herein; and upon the motion of the Petitioner, by counsel, it is ordered that this proceeding be set for hearing on the said day and date, at 11:00 A. M. and that any or all of the parties of record in this proceeding, who purpose or desire to oppose the entry of the said judgment in rem, show cause, if any such cause there be, in writing filed with the record of this proceeding not later than five days prior to the said date, why the said judgment in rem should not be entered on the motion and prayer of the Petitioner.

It is further ordered that the Petitioner shall forthwith mail or cause to be mailed a copy of this order to all parties of record in the proceeding who have or appear to have any claim of right, title, estate or interest in or to any of said tracts of land, as set forth in said report filed by the Special Investigators and the Board of Appraisal Commissioners appointed herein, or who have excepted to the findings in said report with relation to said tracts of land, whose post office addresses have been filed with the record, as provided in Section 7 of the Public Park Condemnation Act, to their several post office addresses thus filed with the record; and to the guardians ad litem, appointed herein for all infants, insane persons, or persons under other legal disability who have or appear to have any claim of right, title, estate, or interest in or to any of the said tracts of lands or to the proceeds arising out of the condemnation thereof or to incidental damages arising from such condemnation, as set forth in the report filed by the Special Investigators and the Board of Appraisal Commissioners appointed herein, to the post office addresses of said guardians ad litem as shown by the record or otherwise known to the Petitioner; and further to the attorneys of record representing any of the parties of record in these proceedings or any of the said guardians ad litem, or any of said infants, insane persons, or persons under other legal disability, to their respective addresses as shown in the record or otherwise known to the Petitioner; and the Petitioner is further ordered to file with the record of this proceeding, a verified statement in writing showing the mailing of such copies of this order, to whom mailed and the date of said mailing.

The following is the proposed draft of the judgment in rem which the Petitioner purposes and intends to move and pray the Court to enter as aforesaid:

"This day came the State Commission on Conservation and Development of the State of Virginia, the above named Petitioner, by counsel, and exhibited to the Court the record of the above styled proceeding, and showed to the Court:

"(1) That this proceeding has been conducted under the provisions of the Public Park Condemnation Act (Acts of the General Assembly of Virginia of 1928, page 1036: Code of 1930, Section 4388, et seq.)

"(2) That there was incorporated in the notice for publication herein, provided in Section 9 of the said Public Park Condemnation Act, the notice and warning touching incidental

damages set out in Section No. 20 of said Act;

"(3) That this proceeding was had upon newspaper publication of notice, warning 'all persons whomsoever' as provided in Section No. 12 of said Act;

"(4) That the report of the Special Investigators and the Board of Appraisal Commissioners heretofore appointed in this proceeding, filed herein discloses a final and conclusive ascertainment and determination of the value of the fee simple estate in each of the numbered tracts of land shown in the table herein-after set out and for which judgment of award condemning the same to the use of the Petitioner is moved and prayed by Petitioner; and of the amount of incidental damages which will result from the condemnation of each of the said tracts for the use of Petitioner, on account of which any person who has appeared and is entitled to be heard, has submitted claims, or on account of which it appears from the said report of Special Investigators and the Board of Appraisal Commissioners, filed as aforesaid, any infant, insane person, or person under legal disability, or any person not entitled to be heard at the hearing provided in Section No. 12 of said Act, has a real and well founded claim, or on account of which it has been made to appear that any infant, insane person or person under other legal disability has any real and well founded claim;

"(5) That the record discloses an ascertainment and determination of said Board of Appraisal Commissioners, as shown by the said report filed as aforesaid, of the fact or facts of value of all, or substantially all, claims of right, title, estate, or interest by such owners or claimants, in or to each of the said respective tracts, and amount of any real claim which any of such persons, or any other person, or persons, who have appeared and are entitled to be heard, may have in the proceeds of each of said respective tracts;

"(6) That a longer period than six months has elapsed since the 'day certain' fixed by the order of the Court entered herein on or before which all interested persons were warned to appear and answer or plead as provided in Section No. 9 of said Act;

"(7) That a longer period than sixty days has elapsed since said report of Special Investigators and Board of Appraisal Commissioners was filed in the Clerk's Office of this Court;

"(8) That neither Petitioner, nor any other person has filed, or presented any motion praying this Court or the Judge thereof to decline to accept or to disapprove any of the findings of facts of value and incidental damages so ascertained and determined by said Board of Appraisal Commissioners as shown by their said report with reference to any of said tracts; or if any such motion or exception has been filed or presented with respect to said tracts or any of them, such motion or exception has been unconditionally overruled or dismissed, or withdrawn, or has been overruled, or dismissed, or withdrawn in so far as such motion or exception relates to the findings of value and incidental damages set forth in said report after amendment of such findings by consent of the Petitioner and the exceptant or movant, under the provisions of Section 36 of the Public Park Condemnation Act.

"(9) That each of said tracts is located wholly within

the boundary lines of the lands sought to be condemned and set forth and described in the petition filed herein, and is separately shown, delineated and designated by number on the County Ownership Map, and described in the above mentioned report of the Special Investigators and Board of Appraisal Commissioners, with which said County Ownership Map was filed and of which it forms a part;

"(10) That diligent inquiry and search was made by the Special Investigators appointed herein as to the existence of any land, or parcels or tracts of land, or right or title or interest or estate therein, within the boundary line set forth in the petition, or of any real claim in or to the proceeds of any such land, or right, or title, or estate, or interest in the event of its condemnation, owned by any infant, insane person, or person under other legal disability, or any property or properties owned by such person or persons which will be damaged by the taking of land within the boundary line set forth in the petition, beyond the peculiar benefits that will accrue to such property or properties of such persons from the acquisition of the land, or estate, or interest therein, sought to be condemned and the use of the same for a public park or for public park purposes; and the names of all such persons found by the said Special Investigators or otherwise known to the Board of Appraisal Commissioners, were reported in the said report of the Special Investigators and the Board of Appraisal Commissioners appointed herein; and guardians ad litem were appointed in this proceeding for each and all of such persons;

"(11) That Petitioner, in compliance with the order setting this proceeding for hearing on its motion and prayer for a judgment in rem condemning the hereinafter mentioned tracts of land to its use, and forthwith upon the entry of said order, mailed a copy thereof to all parties of record in this proceeding who appear to have any claim of right, title, estate or interest in or to any of the said numbered tracts of land, as set forth in said report filed by the Special Investigators, and the Board of Appraisal Commissioners appointed herein, or who have excepted to the findings in said report with relation to said tracts, whose post office addresses have been filed with the record, as provided in Section 7 of the Public Park Condemnation Act, to their several post office addresses thus filed with the record; and to the guardians ad litem appointed herein for all infants, insane persons, and persons under other legal disability, who appear to have any claim of right, title, estate, or interest in or to any of the said tracts of land, or to the proceeds arising out of the condemnation thereof or to incidental damages arising from such condemnation, as set forth in the said report filed by the Special Investigators and the Board of Appraisal Commissioners appointed herein after diligent search made for such persons as set out in said report, to the post office addresses of said guardians ad litem as shown by the record or otherwise known to the Petitioner; and further to the attorneys of record representing any of the parties of record in these proceedings or any of said guardians ad litem or any of said infants, insane persons or person under other legal disability, to their respective addresses as shown in the record or otherwise known to the Petitioner; and thereafter Petitioner filed with the record a verified statement in writing showing the mailing of such copies of said order, to whom mailed and the date of mailing.

"(12) That all the provisions and requirements of said Public Park Condemnation Act, and specifically the provisions of Section 11 and Section 38 thereof, have been complied with and the facts shown and disclosed by the record entitle the Petitioner to the judgment in rem condemning each of the said tracts to the use of Petitioner as moved and prayed by Petitioner.

"It is, accordingly, adjudged and ordered, upon the motion and prayer of the Petitioner, by counsel, that the fee simple estate in each of the several tracts described in the report of the Special Investigators and Board of Appraisal Commissioners filed with the record of this proceeding and numbered, shown and delineated on the County Ownership Map filed with and made a part of said report, the County Ownership Map number of which is set forth in the following table, is hereby condemned to the use of the Petitioner upon the Petitioner paying into the custody of this Court, for the use and benefit of the person or persons entitled thereto, the sum ascertained and determined, and shown and disclosed in the report of the Special Investigators and the Board of Appraisal Commissioners appointed herein as filed herein, or as modified under the provisions of Section 36 of the Public Park Condemnation Act, to be the value of the fee simple estate in said tract together with the amount of the incidental damages resulting from the condemnation thereof ascertained and determined by said Board of Appraisal Commissioners, which sum and amount of incidental damages are as shown and separately set out in the following table, which table constitutes an integral part of this judgment, and are here expressly stated as constituting the award for each of the said tracts herein contained, and upon the payment into the custody of this Court by Petitioner of the amount thus stated as constituting the award for any such tract the fee simple estate therein shall vest in the Petitioner as provided in Sections 13 and 38 of said Public Park Condemnation Act.

"But nothing herein contained shall be construed as requiring or obligating Petitioner to pay the said awards or any of them into the custody of the Court or to acquire all or any of said tracts, and Petitioner may at its election acquire any one or more of said tracts by payment into the custody of the Court of the amount stated herein as the award therefor.

"The following table sets forth in columns under appropriate explanatory headings:- First, under the heading 'Tract No.', the numbers of the several tracts designated by number and shown and delineated on the above mentioned County Ownership Map and described in the said report of the Special Investigators and the Board of Appraisal Commissioners filed with the record of this proceeding, each of which is condemned herein to the use of the Petitioner; Second, under the heading 'Value', the value of the fee simple estate in each of the said tracts as ascertained and determined by the said Board of Appraisal Commissioners; Third, under the heading 'Incidental Damages', the amount of the incidental damages ascertained and determined by said Board of Appraisal Commissioners which will result from condemnation hereunder of the numbered tract in the corresponding column of the table; Fourth, under the heading 'Aggregate', the aggregate of the value and of the amount of incidental damages ascertained and determined by the said Board of Appraisal Commissioners with reference to the numbered tract in the corresponding column of the table, which

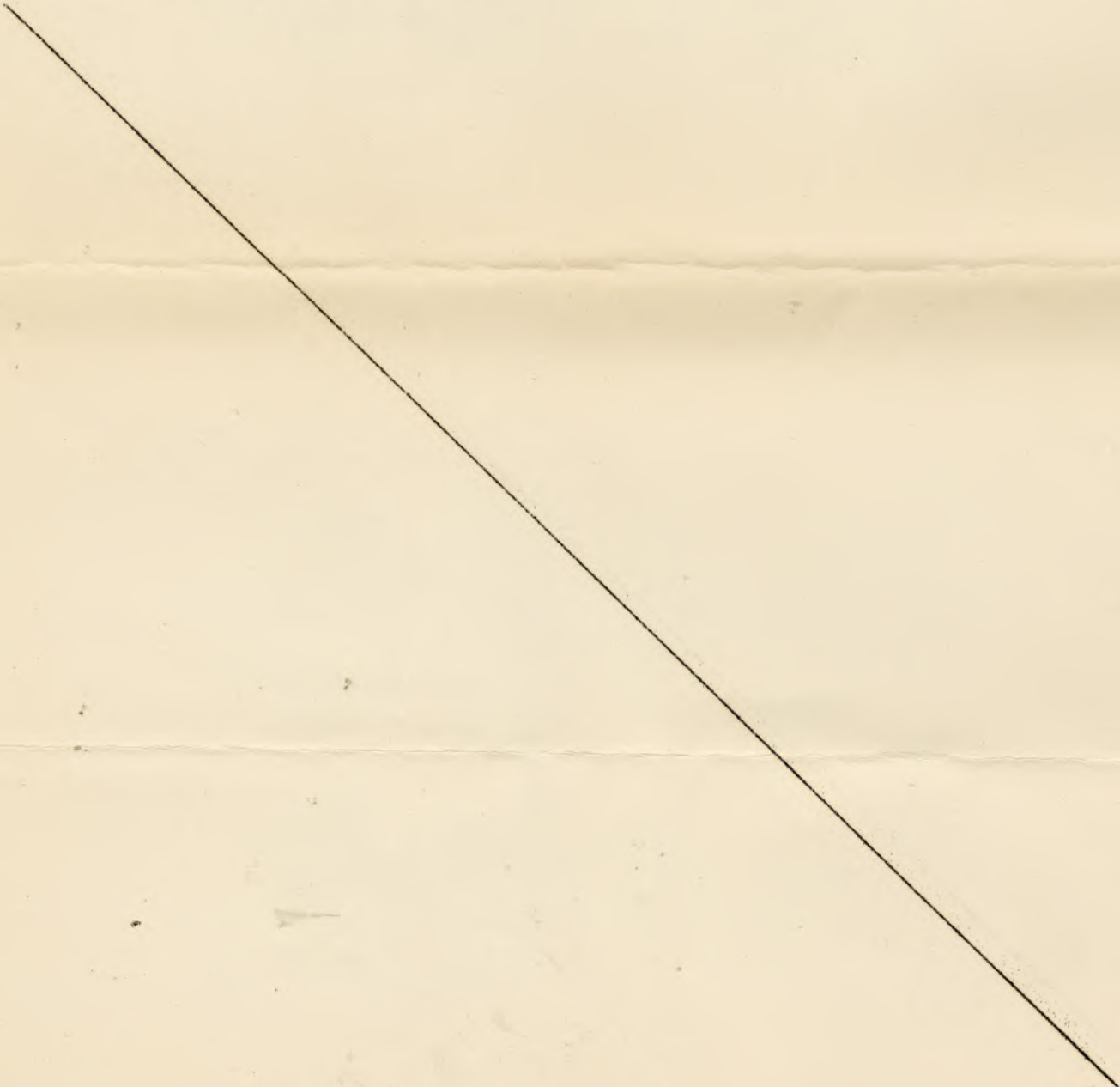
aggregate amount as shown in the table is stated and set out herein as constituting the award for the said tract upon its condemnation to the use of the Petitioner. But in any instance wherein the original findings of said Board as to value or damages set forth in said report have been modified in arbitration proceedings, or by stipulation or otherwise, under authority of Section 36 of the Public Park Condemnation Act, this table shows under the respective headings of "value" and "incidental damages" and "aggregate" the original findings of said Board stricken out by a line running through such findings and aggregate and the modified findings and aggregate have been inserted in the table in lieu of the original findings and aggregate thus stricken from the table.

(A) The foregoing notwithstanding, it is further adjudged and ordered that the fee simple estate which may or shall be acquired by the Petitioner, hereunder, in any or all of the said tracts of land is and shall be subject nevertheless to such easements of passage and rights of way therein or thereover as have heretofore been acquired or are now claimed by the United States of America, which easements and rights of way are described in said report of the Board of Appraisal Commissioners, in Exception 3 of the body of said report, as an easement of passage and right of way on or over a strip of land one hundred feet wide running through the tracts mentioned in said Exception 3 of said report, the value of which easement of passage and right of way was not ascertained or determined by the said Board of Appraisal Commissioners: and it further appearing from the said report that the said United States of America owns or claims the fee simple estate in said strip of land and that the value of the said fee simple estate in the said strip of land owned or claimed by the United States subject to said easement of passage and right of way thereon or thereover, has been ascertained and determined by the said Board to be one dollar, U. S. currency, the fee simple estate in said strip of land is hereby condemned to the use of the Petitioner subject to said easement of passage and right of way, upon the payment of the said amount of one dollar into the custody of the Court for the use and benefit of the person or persons entitled thereto, which said amount is hereby stated and set out as constituting the award for the fee simple estate in said strip of land subject to the said easement of passage and right of way.

(B) The foregoing notwithstanding, it is further adjudged and ordered that the fee simple estate which may or shall be acquired hereunder by the Petitioner, in any or all of said tracts of land, is subject nevertheless to such rights of way and easements in, on or over such tracts or any of them for the erection, maintenance, repair, replacement and operation of poles and wires or other appliances or means for the transmission of electricity as have heretofore been lawfully acquired therein by the Chesapeake and Potomac Telephone Company of Virginia, to which reference is made in Exception 4 in the body of said Report of the Board of Appraisal Commissioners; and by the Madison Power Company Incorporated to which reference is made in Exception 5 in the body of said report.

(C) It is further adjudged and ordered that the fee simple estate in that portion of tract No. 191, containing sixty-seven acres, which is described in Exception No. 2 of the Supplemental Re-

port of the said Board of Appraisal Commissioners, the value of which is ascertained and determined in said report to be Three Hundred and Ninety-Six dollars, is hereby condemned to the use of the Petitioner upon the Petitioner paying into the custody of this Court, for the use and benefit of the person or persons entitled thereto, the sum of Three Hundred and Ninety-Six Dollars (\$396.00) which is here expressly stated as constituting the award for said portion of Tract No. 191; and upon the payment into the custody of this Court by Petitioner of the amount thus stated as constituting the award therefor, the fee simple estate therein shall vest in the Petitioner as provided in Sections 13 and 38 of said Public Park Condemnation Act, but subject, nevertheless, to such easement of passage and right of way thereon or thereover as has heretofore been acquired or is now claimed by the United States of America, being two strips of land one hundred feet wide running through said land and now in use by the said United States of America as a right of way for a road constructed thereon.



TRACT NO.	VALUE	INCIDENTAL DAMAGES	AGGREGATE
25	\$866.50	None	\$866.50
94	1130.00	None	1130.00
106	712.00	None	712.00
108	83.50	None	83.50
133	7681.50	None	7681.50
134	3241.80	None	3241.80
135	2250.83	None	2250.83
135-I	135.00	None	135.00
135-II	50.00	None	50.00
135-III	250.00	None	250.00
135-IV	350.00	None	350.00
135-V	130.00	None	130.00
135-VI	495.00	None	495.00
136	310.00	None	310.00
138	2482.00	None	2482.00
138-I	500.00	None	500.00
138-II	335.00	None	335.00
138-III	470.00	None	470.00
138-IV	610.00	None	610.00
138-V	420.00	None	420.00
146	7490.50	None	7490.50
148-a	9772.00	None	9772.00
148-a-I	40.00	None	40.00
152	114.00	None	114.00
152-a	556.50	None	556.50
156	201.00	None	201.00

See Exception numbered three in the body of the report filed by the Board of Appraisal Commissioners with reference to the above set out values of tracts numbered 133, 134, 135, and 148-a.

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. 94 : 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. 94 \$1630.00; 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;

Waverly T. 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:—

Your undersigned is entitled to the said award of \$1630, being the fee simple owner of the said land -

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 -

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. 94 \$1630.00: 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
<u>Waverly T. Dyer</u>	<u>Oldrag, Virginia -</u>
_____	_____
_____	_____
_____	_____
_____	_____

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.

In the Circuit Court of Madison County, Virginia:

The 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 7th day of May, 1934, came Waverly T. Dyer and on his motion, leave is given him to file his application for the payment of the sum of \$1630.00, the amount of the award set out in the judgment of condemnation for Tract No. 94 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 Waverly T. Dyer is invested with a superior or better right or claim of title in and to the said Tract of land No. 94 and that the record of this cause does not disclose any dispute or denial by any party or person in interest as to the title to said Tract No. 94 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. 94, and it further appearing to the Court that all taxes due or payable upon said Tract No. 94 have been paid except for the year 1933. Upon consideration whereof it is considered and ordered by the Court that the said sum of \$1630.00 paid into Court by petitioner as just compensation for Tract No. 94 be paid out and distributed as follows.

- | | |
|--|----------|
| (1) To B. S. Utz, Treas. Madison, Va. taxes for 1933 | \$ 13.01 |
| (2) To N. G. Payne, atty. Madison, Va. fee and costs | 127.00 |
| (3) To Waverly T. Dyer, Oldrag, Va. balance | 1489.99 |

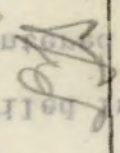
And the Clerk of this Court is directed to transmit a certified copy of this order to the Treasurer of Virginia, who shall pay out said fund as above provided, the items above set forth aggregating the award set out in the judgment of condemnation for Tract No. 94, taking from said parties to whom the 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.

entirely therefor, as provided by law.
 certifying such payment to the clerk of this court for appropriate
 parties to whom the fund is payable as aforesaid receipts therefor and
 out in the judgment of condemnation for tract no. 94, taking from said
 as above provided, the items above set forth aggregating the sum of
 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 W. S. Dyer, trustee	\$120.00
(2) To W. S. Dyer, trustee, fees and costs	\$120.00
(1) To W. S. Dyer, trustee, fees for 1833	\$ 12.01

paid out and distributed as follows.
 paid into court by petitioner as just compensation for tract no. 94 be
 is considered and ordered by the court that the said sum of \$120.00
 have been paid excise for the year 1833. Upon consideration whereof it
 ing to the court that all taxes due or payable upon said tract no. 94
 ing from the condemnation of said tract no. 94, and it further appear-
 tion thereof, and is therefore entitled to receive the proceeds aforesaid
 title to said tract no. 94 or to the proceeds therefrom from the condem-

State Commission on Conserva-
 tion and Development
 (Order for the Distribution
 of the award - Tract No. 94
 Vs.
 D. F. Anderson and others -

Enter -

 Judge -

LAW ORDER
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On this, the 17th day of May, 1834, came W. S. Dyer and
 D. F. Anderson and others, parties, and appeared in court,
 as
 Defendants -
 The State Commission on Conservation and
 Development of the State of Virginia,
 Petitioner -
 in the Circuit Court of Madison County, Virginia: