

Claimant #194-I - Eagle Hardwood Lumber Company
Lap on
J. D. Fray Estate.

Value of land by types:

<u>Type</u>	<u>Acreage</u>	<u>Value per acre</u>	<u>Total Value</u>
Cove	16	\$5.00	\$80.00
Slope	644	2.50	1610.00
Wg	8	10.00	80.00
Fg	8	30.00	240.00
	<u>676</u>		<u>\$2010.00</u>

Total value of land \$2010.00
 Total value of timber 362.50
 Total value of tract \$2372.50

L. M. James, Sec.

Claimant #194-I - Eagle Hardwood Lumber Company
Lap on
J. D. Fray Estate.

Acreage Found: 676

Assessed: 1165

Deed: 1122

Location: On Wilson Run and the headwaters of the Rapidan River.

Incumbrances, counter claims or laps: This report covers that part of the original J. D. Fray tract which is claimed by the Eagle Hardwood Lumber Company.

Soil: The soil is a sandy loam of medium depth and fertility. The slopes are moderately steep and frequently covered with a growth of mountain laurel and underbrush.

Roads: It is eleven miles over a dirt road to Wolftown; thence fourteen miles over an improved road to Somerset, the nearest shipping point.

History of tract and condition of timber: This tract originally supported a heavy stand of timber about 80% of which was chestnut. The chestnut has been dead for many years and has no commercial value. The remaining stand is composed chiefly of chestnut oak with a light mixture of spanish oak, white oak and other hardwoods.

There is approximately 150 M. feet of saw timber on the area covered by this report, but on account of its isolation and the expense of logging it is doubtful if it can be operated at a profit. This timber has been given a nominal stumpage value.

The total estimate of timber products is as follows:

150 M. feet of timber @ \$2.00 ----	\$300.00
50 tons of bark & chestnut oak @ \$1.00 -----	50.00
25 tons of hemlock bark @ 50¢ ---	12.50
	<u>\$362.50</u>

Improvements: None.

L. H. Tanner Sec.

(Continued)

Claimant #194 - J. D. Fray Estate

Value of land by types:

<u>Type</u>	<u>Acreage</u>	<u>Value per acre</u>	<u>Total Value</u>
Slope	425	\$2.50	\$1062.50
Ridge	20	1.00	20.00
Wg	10	10.00	100.00
Fg	27	30.00	810.00
Fr	7	10.00	70.00
	<u>489</u>		<u>\$2062.50</u>

Total value of land	\$2062.50
Total value of timber	1104.00
Total value of tract	<u>\$3166.50</u>

L. M. Trimmer Sec.

Claimant #194 - J. D. Fray Estate

Acreage Found: 489

Assessed: 1165

Deed: 1122

Location:

On the drains of Wilson Run. Entirely within the Park area.

Incumbrances, counter claims or laps:

The Eagle Hardwood Lumber Company claims title to 676 acres of the area described in the deed to J. D. Fray. This area has been treated as an overlap for which a separate report has been prepared.

Soil:

Sandy loam of fair depth and fertility. Loose surface rocks are found over most of the tract. The slopes are moderately steep and are generally covered with a growth of mountain laurel and underbrush.

Roads:

It is eleven miles over a dirt road to Wolftown; thence fourteen miles over an improved road to Somerset, the nearest railroad point.

History of tract and condition of timber:

This tract formerly supported a very heavy stand of timber about 80% of which was chestnut. The chestnut has been dead for many years and has no commercial value. The remaining stand is composed chiefly of chestnut oak, spanish oak, white oak and other hardwoods. Some hemlock occurs in the hollows along Wilson River in the southern part of the tract and on the head of Staunton River south of "The Sag".

Practically all of the merchantable timber which can be operated at a profit is located on that part of the tract not claimed by the Eagle Hardwood Lumber Company. However this timber is patchy and scattered, and is a poor logging proposition even in normal times. Under present conditions it is doubtful if it can be operated at a profit. It has been given a stumpage value.

The stand of merchantable timber consists of 35% chestnut oak, 42% red oak, 2% white oak, 19% hemlock and 2% of other species. The estimate in board feet is as follows:

452 M. feet of oaks @ \$2.00	\$904.00
191 Tons of oak bark @ \$1.00	191.00
18 Tons of hemlock bark @ 50¢	9.00
	<hr/>
	\$1104.00

Improvements: None.

County: Madison
District: Rapidan

#194 - Fray, J. D.

<u>Acreage Claimed:</u>	Assessed: 1165	Deed: 1122
<u>Value Claimed:</u>	Assessed: \$3495.00	" Consideration not given.

Location: On the drains of Wilson Run. Entirely within the Park area.

Incumbrances, counter claims or laps: The Eagle Hardwood Lumber Company claims title to 676 acres of the area described in the deed to J. D. Fray. This area has been treated as an overlap for which a separate report has been prepared.

Soil: Sandy loam of fair depth and fertility. Loose surface rocks are found over most of the tract. The slopes are moderately steep and are generally covered with a growth of mountain laurel and underbrush.

Roads: It is eleven miles over a dirt road to Wolftown, thence fourteen miles over an improved road to Somerset, the nearest railroad point.

History of Tract and condition of Timber: This tract formerly supported a very heavy stand of timber about 80% of which was chestnut. The chestnut has been dead for many years, and has no commercial value. The remaining stand is composed chiefly of chestnut oak, spanish oak, white oak and other hardwoods. Some hemlock occurs in the hollows along Wilson River in the southern part of the tract and on the head of Staunton River south of "The Sag". Practically all of the merchantable timber which can be operated at a profit is located on that part of the tract not claimed by the Eagle Hardwood Lumber Company. However, this timber is patchy and scattered, and is a poor logging proposition even in normal times. Under present conditions it is doubtful if it can be operated at a profit. It has been given a stumpage value of \$2.00 per M.

The stand of merchantable timber consists of 35% chestnut oak, 42% red oak, 2% white oak, 19% hemlock and 2% of other species. The estimate in board feet is as follows:

356 M. ft. oaks @ \$2.00 per M. - - - -	\$712.00
86 M. ft. hemlock @ \$2.00 per M. - - -	172.00
10 M. ft. others @ \$2.00 per M. - - -	20.00
<u>Total</u> 452 M. ft.	<u>\$904.00</u>
191 Tons Chestnut oak bark @ \$1.00 - - -	191.00
18 " Hemlock bark @ .50 - - -	9.00
	<u>\$1104.00</u>

Improvements: None.

#194 - Fray, J. D.

Value of land by types:

<u>Type</u>	<u>Acreage</u>	<u>Value per acre</u>	<u>Total Value</u>
Slope	425	\$2.00	\$850.00
Ridge	29	1.00	20.00
Woodland grazing	10	10.00	100.00
Grazing	27	30.00	810.00
Fields Restocking	7	10.00	70.00
	<u>489</u>		<u>\$1850.00</u>

Total value of land	\$1850.00
Total value of timber	<u>\$1104.00</u>
Total value of tract	\$2954.00
Average value per acre	\$6.00

x -- Acreage assessed includes the area claimed by the Eagle Hardwood Lumber Company.

County: Madison
District: Rapidan

#194-I - J. D. Fray Lap

on

Eagle Hardwood Lumber Company

* Acreage Claimed: 676 Assessed: 1165 Acres Deed: 1122 A.

Value Claimed: Not stated. Assessed: \$3495.00 Deed:

Location: On Wilson Run and the headwaters of the Rapidan River.

Incumbrances, counter claims or laps: This report covers that part of the original J. D. Fray tract which is claimed by the Eagle Hardwood Lumber Company.

Soil: The soil is a sandy loam of medium depth and fertility. The slopes are moderately steep and frequently covered with a growth of mountain laurel and underbrush.

Roads: It is eleven miles over a dirt road to Wofltown, thence fourteen miles over an improved road to Somerset, the nearest railroad point.

History of tract and condition of timber: This tract originally supported a heavy stand of timber about 80% of which was chestnut. The chestnut has been dead for many years, and has no commercial value. The remaining stand is composed chiefly of chestnut oak with a light mixture of Spanish oak, White Oak, and other hardwoods.

There is approximately 150 M. feet of sawtimber on the area covered by this report but on account of its isolation and the expense of logging it is doubtful if it can be operated at a profit. This timber has been given a nominal stumpage value of \$1.00 per M. feet.

The total estimate of timber products is as follows:

150 M. feet	@ \$1.00	\$150.00
50 tons chestnut oak bark	@ \$1.00	50.00
25 tons Hemlock bark - -	@ .50	12.50
		<hr/>
		\$212.50

Improvements: None.

Value of land by types:

Type:	Acreage:	Value per acre	Total Value
Cove	16	\$3.00	\$48.00
Slope	644	2.00	1288.00
Woodland Grazing	8	10.00	80.00
Grazing	8	30.00	240.00
	<hr/>		<hr/>
	676		\$1656.00

(Continued)

IN RE: The State Commission on Conservation and Development of the State of Virginia proceeding against respondents et als.

vs.) JOINT ANSWER of American Bank
) & Trust Co. of Richmond and
) R.B.Fray, Executors of J.L.
) Fray, dec'd, and Florence H.
) Fray, A. Hester Fray, J. B.
) Fray, John H.Fray, Florence J.
) Fray and Mary E. Fray.

Respondents et als.

*Filed in office
Sept 7th 1931
Estate of J. L. Fray*

GRIMSLEY & MILLER
ATTORNEYS AT LAW
CULPEPER, VA.

194 IV

CLAIM OF American Bank and Trust Company of Richmond and R. B. Fray, Executors of J. L. Fray, deceased, and Florence H. Fray, A. Hester Fray, J. B. Fray, John H. Fray, Florence J. Fray and Mary E. Fray.

IN THE CIRCUIT COURT OF MADISON COUNTY, VIRGINIA:

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

vs.

American Bank and Trust Company of Richmond and R. B. Fray, Executors of J. L. Fray, deceased, and Florence H. Fray, A. Hester Fray, J. B. Fray, John H. Fray, Florence J. Fray and Mary E. Fray, owners of 1165 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, ask leave of the Court to file this their joint answer to said petition and to said notice.

Our names and postoffice addresses are:

- American Bank & Trust Company of Richmond, Richmond, Va.;
- R. B. Fray, Culpeper, Virginia,
- Florence H. Fray, Madison, Virginia,
- A. Hester Fray, Madison, Virginia;
- J. B. Fray, Madison, Virginia;
- John H. Fray, Philadelphia, Pa.;
- Florence J. Fray, Madison, Virginia;
- Mary E. Fray, Madison, Virginia.

We claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 1165 acres, on which there are no buildings and improvements.

This land is located about seven miles north of Graves Mill in Madison County, Virginia, and one and one-half miles west of the Hoover Camp, in Rapidan Magisterial District of said County.

We, the executors of J. L. Fray, deceased, claim a seven-sixteenth ($7/16$) interest in the timber rights on said tract of land. The residue of timber rights, (as well as the land) is claimed by the other defendants, as well as the fee simple title to the land; defendant Florence H. Fray claiming a one-third ($1/3$) interest in all save what claimed by the executors of J. L. Fray for her life; the other defendants than Florence H. Fray and the executors of J. L. Fray claiming the residue jointly, that is the entire interest in the timber rights and the land itself, subject to the rights of the executors of J. L. Fray and of Florence H. Fray therein as above set forth.

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

North, Charles S. Landrum,
South, George W. Kinsey,
East, Waterloo Lumber Company,
West, George W. Kinsey.

We acquired our right, title, estate or interest to this property about the year 1904 in the following manner:

By deed from John C. Utz and wife to John D. Fray, recorded in D. B. 43, page 442, clerk's office, Madison County, Virginia; and deed from Nannie C. Sparks to John D. Fray and J. L. Fray, recorded in D. B. 37, page 577, clerk's office, Madison County, Virginia.

We claim that the total value of this tract or parcel of land with the improvements thereon is \$16,000.00.
We claim that the total value of our right, title, estate or interest, in and to this tract or parcel of land with the improvements thereon is \$

WITNESS our signatures this 1st day of May, 1931.

American Bank & Trust Company of Richmond

By Gardner Vice President

and

R. B. Fray
Executors of J. L. Fray

Mrs. Florence H. Fray

A. Hester Fray

J. B. Fray

John H. Fray

Florence J. Fray

Mary E. Fray

STATE OF VIRGINIA,

COUNTY OF Culpeper, to-wit:

The undersigned hereby certifies that R. B. Fray
_____, the above named claimant personally appeared be-
fore 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 37th day of September, 1931.

My commission expires

Oct. 27, 1931

Celeste W. Hite
Notary Public

STATE OF VIRGINIA,

City of Richmond, to-wit:

The undersigned hereby certified that G. A. Peple -
one of
Vice President of American Bank and Trust Company of Richmond, /the
above named claimants 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 2nd
day of September, 1931.

My commission expires

Dec 19, 1934

Oliva L. Mattem
Notary Public

STATE OF VIRGINIA:

COUNTY OF MADISON, to-wit:

The undersigned hereby certified that Florence H. Fray,
A. Hester Fray, J. B. Fray, Florence J. Fray ~~and~~ _____
four of the above named claimants personally appeared before
him and made oath that the matters and things appearing in their
above answer are true to the best of their knowledge and belief,
this 23 day of May, 1931.

My commission expires

W. N. ...
Notary Public
County of Madison, Va.

STATE OF Virginia
County of Madison, to-wit:

The undersigned hereby certifies that John N. Froy
one of the above named claimants 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
31st day of August, 1931.

Attest Notary Public
of Madison County Va.

My commission expires

STATE OF Virginia
County of Madison, to-wit:

The undersigned hereby certifies that Mary E. Froy
one of the above named claimants personally appeared before him
and made oath that the matters and things appearing in his
above answer are true to the best of her knowledge and belief,
this 31st day of August, 1931.

Attest Notary Public
of Madison County Va.

My commission expires

VIRGINIA: IN THE CIRCUIT COURT OF MADISON COUNTY.

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

Petitioner

vs. ANSWER OF ELLEN B. FRAY.

D. F. Anderson and others, and Fifty-five
Thousand (55,000) acres, more or less of
Land in Madison County, Virginia,

Defendants.

The separate answer of Ellen B. Fray to a petition exhibited
against her and others in the circuit court of Madison County,
Virginia, by The State Commission on Conservation and Development
of the State of Virginia;

This respondent says she has heretofore signed an answer,^{as an infant}
but on the 24th of October, 1931, she arrived at the age of twenty-
one years, and is now advised that she should file another an-
swer; and in answering says that she knows nothing of the proce-
dure, save that its nature is to sell a tract of land in which
she is interested, and all she asks is that all of her rights be
extended to her and that there will be paid to her, or to her
father's executors as set forth in his will, what may be legal
and right.

And now having further answered, being over twenty-one years
of age, she prays to be hence dismissed with her reasonable cost
in this behalf expended.

Ellen B. Fray

ALLEGED: IN THE CIRCUIT COURT OF MADISON COUNTY

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

vs. ELLEN B. FRAY

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

vs. ANSWER OF ELLEN B. FRAY

D.F. Anderson and Others, and Fifty-five Thousand (55,000) acres, more or less, of Land in Madison County, Virginia.

*Filed Jan. 1st 1952
Jesse A. Hester*

Ellen B. Fray

VIRGINIA: IN THE CIRCUIT COURT OF MADISON COUNTY.

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

Petitioner

vs.

) THE JOINT ANSWER OF ELLEN B. FRAY AND
) JACKSON LEE FRAY, JR., INFANTS UNDER 21
) BUT OVER 14 YEARS OF AGE.

D.F. Anderson and others, and Fifty-five Thousand (55,000) acres, more or less of Land in Madison County, Virginia,

Defendants

The joint answer of Ellen B. Fray and Jackson Lee Fray, Jr., infants under twenty-one but over fourteen years of age, in their own right to a petition exhibited against them and others in the circuit court of Madison County, Virginia, by The State Commission on Conservation and Development of the State of Virginia;

These respondents in answer to the said petition exhibited against them and others, as aforesaidm answer and say that they are infants of tender years, under twenty-one years of age, and therefore incapable of protecting their rights and interests and here submit such interests as they may have in regard to the subject matter to the protection of the court and ask that no decree will be entered effecting their interests that will be to their prejudice;

And now having answered these respondents pray to be hence dismissed.

Ellen B. Fray

Jackson Lee Fray Jr.

194

VIRGINIA: IN THE CIRCUIT COURT OF MADISON COUNTY.

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

vs.) THE JOINT ANSWER OF ELLEN B. FRAY AND
JACKSON LEE FRAY, JR., INFANTS UNDER 21
BUT OVER 14 YEARS OF AGE.

D. F. Anderson and Others, and Fifty-five Thousand (55,000) acres, more or less, of Land in Madison County, Virginia, Defendants.

The joint answer of Ellen B. Fray and Jackson Lee Fray, Jr., infants under twenty-one but over fourteen years of age, in their own right to a petition exhibited against them and others in the circuit court of Madison County, Virginia, by The State Commission on Conservation and Development of the State of Virginia;

These respondents in answer to the said petition exhibited against them and others, as aforesaid, answer and say that they are infants of tender years, under twenty-one years of age, and therefore incapable of protecting their rights and interests and here submit such interests as they may have in regard to the subject matter to the protection of the court and ask that no decree will be entered effecting their interests that will be to their prejudice;

And now having answered these respondents pray to be hence dismissed.

Ellen B. Fray

Jackson Lee Fray Jr.

VIRGINIA: IN THE CIRCUIT COURT OF MADISON COUNTY.

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

Petitioner

vs.

) ANSWER OF INFANTS BY GUARDIAN
) AD LITEM AND OF GUARDIAN AD
) LITEM FOR INFANTS.

D.F. Anderson and others, and Fifty-five
Thousand (55,000) acres, more or less of
Land in Madison County, Virginia

Defendants

The joint and several answer of Ellen B. Fray, Jackson Lee Fray, Jr., and Samuel B. Fray, infants under twenty-one years of age, by Burnett Miller their guardian ad litem, and of Burnett Miller, guardian ad litem for the said three infants, to a condemnation proceeding filed against them and others in the circuit court of Madison County, Virginia, by The State Commission on Conservation and Development of the State of Virginia;

These respondents by their guardian ad litem answer and say that they are infants of tender years and not able to understand and protect their rights as to the matters alleged in the petition, and what rights they have a right to demand they are unable to say and are not advised, therefore they submit all their rights and interests to the court for adjudication and pray that no decree will be entered to their prejudice;

And Burnett Miller, guardian ad litem for said infants, in answer to the said petition says that he is guardian ad litem for the said infants, that he knows nothing of the allegations of the petition, save information that he has acquired from other sources, and therefore submits the rights and interests of the said wards for whose interests he was appointed to defend to the protection of the court and prays that no decree or order will be entered which will prejudice their rights in this procedure.

VIRGINIA: IN THE CIRCUIT COURT OF MADISON COUNTY.

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

vs. ANSWER OF ELLEN B. FRAY.

D. F. Anderson and Others, and Fifty-five Thousand (55,000) acres, more or less, of Land in Madison County, Virginia, Defendants.

The separate answer of Ellen B. Fray to a petition exhibited against her and others in the circuit court of Madison County, Virginia, by The State Commission on Conservation and Development of the State of Virginia;

This respondent says she has heretofore signed an answer, / as an infant but on the 24th of October, 1931, she arrived at the age of twenty-one years, and is now advised that she should file another answer; and in answering says that she knows nothing of the procedure, save that its nature is to sell a tract of land in which she is interested, and all she asks is that all of her rights be extended to her and that there will be paid to her, or to her father's executors as set forth in his will, what may be legal and right.,

And now having further answered, being over twenty-one years of age, she prays to be hence dismissed with her reasonable cost in this behalf expended.

Ellen B. Fray

VIRGINIA: IN THE CIRCUIT COURT OF MADISON COUNTY.

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

Petitioner

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

vs. ANSWER OF ELLEN B. FRAY.

D.F. Anderson and Others, and Fifty-five Thousand (55,000) acres, more or less, of land in Madison County, Virginia.

*Filed Jan 1st 1932
J. H. [unclear] Clerk*

ANSWER OF ELLEN B. FRAY.

Defendants.

... and in answering says that she knows nothing of the pro-
... that she should file another
... arrived at the age of two-
... signed an order
... as an infant
... and Development
... of Madison County,
... petition explained
... of

Ellen B. Fray

And now having answered the infants by their guardian ad litem, and the guardian ad litem for the infants pray to be hence dismissed.

Ellen B. Fray

J. L. Fray Jr

Samuel B. Fray

By

Burnett Miller

Guardian ad Litem

Burnett Miller

Guardian ad Litem for Ellen B. Fray, Jackson Lee Fray, Jr., and Samuel B. Fray, infants.

STATE OF VIRGINIA:

County of Culpeper, to-wit:

I, Celeste W. Hite, a Notary Public in and for the county and state aforesaid, do hereby certify that Burnett Miller, whose name is signed to the foregoing answer, this day personally appeared before me and made oath to the allegations contained in the above answer and made by him as guardian ad litem.

Given under my hand this 30 day of December, 1931.

Celeste W. Hite

Notary Public

My commission expires

October 27th, 1935.

ALBANY: IN THE CIRCUIT COURT OF MADISON COUNTY, VIRGINIA.
The State Commission on Conservation and Development of the State of Virginia,
Petitioner

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

vs.) The Joint Answer of
) Ellen B. Fray and Jackson
) Lee Fray, Jr., Infants
) under 21 but over 14
) years of age.

D.F. Anderson and Others, and Fifty-five Thousand (55,000) acres, more or less, of Land in Madison County, Virginia.

Filed Jan 1st 1932
J. H. Moore, Atty. Gen.

Answers respondents in answer to the said petition exhibited
and now being returned these respondents pray to be
to their prejudice;
answers will be entered affecting their interests that will be
subject matter to the protection of the court and not that no
and here submit such interests as they may have in regard to the
protection incapable of protecting their rights and interests
and infants of tender years, under twenty-one years of age, and
against some and others, as aforesaid, answer and say that they
know respondents in answer to the said petition exhibited

Just D. Wells
Jackson Lee Fray, Jr.

VIRGINIA: IN THE CIRCUIT COURT OF MADISON COUNTY.

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

vs. ANSWER OF INFANTS BY GUARDIAN AD LITEM AND OF GUARDIAN AD LITEM FOR INFANTS.

D. F. Anderson and Others, and Fifty-five Thousand (55,000) acres, more or less, of Land in Madison County, Virginia, Defendants.

The joint and several answer of Ellen B. Fray, Jackson Lee Fray, Jr., and Samuel B. Fray, infants under twenty-one years of age, by Burnett Miller their guardian ad litem, and of Burnett Miller guardian ad litem for the said three infants, to a condemnation proceeding filed against them and others in the circuit court of Madison County, Virginia, by The State Commission on Conservation and Development of the State of Virginia;

These respondents by their guardian ad litem answer and say that they are infants of tender years and not able to understand and protect their rights as to the matters alleged in the petition, and what rights they have a right to demand they are unable to say and are not advised, therefore they submit all their rights and interests to the court for adjudication and pray that no decree will be entered to their prejudice;

And Burnett Miller, guardian ad litem for said infants, in answer to the said petition says that he is guardian ad litem for the said infants, that he knows nothing of the allegations of the petition save information that he has acquired from other sources, and therefore submits the rights and interests of the said wards for whose interests he was appointed to defend to the protection of the court and prays that no decree or order will be entered which will prejudice their rights in this procedure.

And now having answered the infants by their guardian ad litem, and the guardian ad litem for the infants pray to be hence dismissed.

Ellen B. Fray

J L Fray for

Samuel B Fray

By Burnett Miller
Guardian ad Litem

Burnett Miller
Guardian ad Litem for Ellen B.Fray,
Jackson L.Fray, Jr. & Samuel B.Fray,
infants.

State of Virginia:

County of Culpeper, to-wit:

I, Celeste W. Hite, a Notary Public in and for the county and state aforesaid, do hereby certify that Burnett Miller, whose name is signed to the foregoing answer, this day personally appeared before me and made oath to the allegations contained in the above answer and made by him as guardian ad litem.

Given under my hand this 30 day of December, 1931.

Celeste W. Hite

Notary Public

My commission expires
October 27th, 1935.

VIRGINIA. IN THE CIRCUIT COURT OF MADISON COUNTY
AT MADISON, VIRGINIA.

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

v.

D. F. Anderson and others, and fifty-five thousand
(55,000) acres, more or less, of land in Madison
County, Virginia, - - - - - Defendants.

IN THE MATTER of the Claim of Florence H. Fray, widow,
Hester A. Fray, J. B. Fray, John H. Fray, Florence Fray, and
Mary Fray, heirs at law of the late J. D. Fray and the widow
and heirs at law of the late J. L. Fray, deceased, claimants
of ownership of tracts No. 194 and 194-I; and in the matter
of the claim of Eagle Hardwood Lumber Company, a claimant
of ownership of said Tract No. 194-I.

On the 5th day of November 1934, came the
petitioner by counsel and exhibited to the Court the record of the above
styled proceeding, including the order entered herein on September 27th, 1934,
and showed the Court that petitioner and the above named claimants had entered
into a stipulation submitting all questions as to value and damages arising
out of the condemnation of said tracts Nos. 194 and 194-I to arbitration, in
like form and manner to that under which questions as to the value and damages
with relation to certain other tracts included in the area described in the
petition had theretofore been submitted and determined under written arbitration
agreements approved by the Governor of the State but modified by providing for
the designation of Honorable Lemuel F. Smith, Judge of this Court, acting
extra-judicially, as sole arbitrator, and that the amount set forth as the
value of said tracts, in Table II of the report of the Board of Appraisal
Commissioners should be amended, if necessary, to conform with the findings
as to the value of the said tracts, thus ascertained and determined and that
thereupon, and thereafter the said above named claimants, namely, Florence
H. Fray, widow, Hester A. Fray, J. B. Fray, John H. Fray, Florence Fray and
Mary Fray, heirs at law of the late J. D. Fray and the widow and heirs at
law of the late J. L. Fray, deceased, and the petitioner would accept the
findings of said arbitrator, as final and conclusive without appeal.

And petitioner further showed the Court that petitioner and said claimants by counsel, appeared before said Honorable Lemuel F. Smith, acting as such arbitrator, on the 18th day of October, 1934, and submitted evidence of the value of said tracts and damages for the taking thereof, and argued all questions as to value and damages;

or

And petition/further showed the Court that on said October 18th, 1934, at the said hearing, the Eagle Hardwood Lumber Company, by counsel, likewise appeared and asked leave to become a party to said hearing and agreed to submit its claim, as to value and damages, with respect to said Tract No. 194-I, to said arbitrator, upon the same terms and conditions, as the other claimants had done and thereupon petitioner by counsel consented that said Eagle Hardwood Lumber Company might be made a party to said arbitration proceedings and stipulated with it, with respect to said arbitration, in manner and form precisely as stipulated with said other claimants.

And it now appearing to the satisfaction of the Court, as a result of said arbitration, that the fair market value of the fee simple estate in the said tract No. 194 has been ascertained and determined in pursuance of the said stipulation and arbitration, to be the sum of \$ 3824⁰⁰ and that no damages will result from the taking of the same by petitioner at said sum, it is adjudged and ordered that the amount set forth in Table II of the report of the Board of Appraisal Commissioners herein as the value of said tract No. 194, should be and is modified by substituting therefor, the sum of \$ 3824⁰⁰;

And it now further appearing to the satisfaction of the Court that the fair market value of the fee simple estate in tract No. 194-I has been ascertained and determined in pursuance of the said stipulation and arbitration, to be the sum of \$ 3022⁵⁰ and that no damages will result from the taking of the same by petitioner at said sum, it is likewise adjudged and ordered that the amount set forth in Table II of said report of the Board of Appraisal Commissioners herein, as the value of said Tract No. 194-I, should be and is modified by substituting therefor, the sum of \$ 3022⁵⁰;

It is accordingly so adjudged and ordered and the Clerk of this Court is directed to make the said amendment appear on the face of the said Table II by running a line with pen and ink through the amounts therein

set forth, as the value of the said tract No. 194, to-wit: \$ 3166⁵⁰
and inserting by the side thereof the sum of \$ 3824⁰⁰; and by
running a line with pen and ink through the amount therein set forth as the
value of said tract No. 194-I to-wit: \$ 2372⁵⁰ and inserting by
the side thereof the sum of \$ 3022⁵⁰ with a note of reference to the
date of entry of this order on the margin of the said Table II of the Report
of the Board of Appraisal Commissioners filed with the record of this pro-
ceeding.

State Commission on Conservation
A Department of the State of
Washington

AT LAW NO. 88

Defendants,
and others, etc.

IN WITNESS WHEREOF

Enter
L. J. J.

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.

On the 27th day of September, 1934, came the petitioner in the above styled proceeding, by counsel, and exhibited to the Court the record therein, including the order entered on August ~~27~~²⁸, 1934, whereby this proceeding was set for hearing and determination on September 20th, 1934, with respect to the numbered tracts enumerated and set forth in the said order; and showed to the Court that pursuant to the said order this proceeding was called for hearing on the said 20th day of September, 1934, and that the said hearing was there and then continued and this proceeding again set for hearing and determination on the 27th day of September, 1934, on motion, in open Court, of the petitioner, by counsel.

And thereupon the petitioner, by counsel, moved and prayed the Court to enter judgment as in rem for the said numbered tracts enumerated and set forth in the aforesaid order:

And thereupon came Florence H. Fray, widow, Hester A. Fray, J. B. Fray, John H. Fray, Florence Fray and Mary Fray, heirs at law of the late J. D. Fray, and the widow and heirs at law of the late J. L. Fray, deceased, claimants of ownership of the Tracts No. 194 and 194-I, mentioned in the said order entered August 27, 1934, by counsel, and with leave of Court, withdrew their motion in writing dated September 15, 1934, and filed with this proceeding, praying that this proceeding be dismissed with respect to the said Tracts No. 194 and No. 194-I.

Thereafter, the petitioner, by counsel, and the said claimants, by counsel, stipulated, in open court, that, disregarding and waiving any question that might be raised as to whether said claimants had lost their right to except to the findings of the Board of Appraisal Commissioners as to the value of the said Tracts No. 194 and No. 194-I, or had acquired any right to have this proceeding dismissed with respect to said tracts, all questions as to value and damages arising out of the condemnation of the said tracts as between the said claimants and the petitioner would be and were withdrawn from the consideration of the Court and submitted to arbitration, in like form and manner to that under which questions as to value and damages with relation to certain other tracts included in the area described in the petition have heretofore been submitted and determined under written arbitration agreements approved by the Governor of the State, but modified by providing for the designation of the Hon. Lemuel F. Smith, Judge of this Court, acting extra-judicially, as sole arbitrator;- it being expressly agreed and understood, furthermore, that the findings of the Board of Appraisal Commissioners, as set out in their report filed with the record of this proceeding, will not be disturbed unless the said arbitrator should make findings of value or damages in greater amount than the findings of the said Board of Appraisal Commissioners, in which event the parties expressly stipulated that the said findings of the said Board of Appraisal Commissioners may and shall be amended to conform with such increased findings of value or damages.

And thereupon also came H. W. Nichols, by counsel, claiming to be the owner of Tract No. 206, one of the numbered tracts set forth in the aforesaid order entered August 27, 1934, and prayed leave to file exceptions to the findings as to

value and damages of said tract as found by the said Board of Appraisal Commissioners in their said report, which prayer for leave to file said exceptions was resisted by the petitioner, by counsel, and thereupon the same was argued by counsel;

Upon consideration whereof, it appearing to the Court that more than two years had elapsed since the filing of said report of the Board of Appraisal Commissioners, and that no motion or exception with respect thereto had theretofore been made or filed, and no application made to the Court for leave so to do, and no adequate reason being offered to show why said exceptant should then be permitted to file said exceptions, his application and prayer for leave to file the same was rejected;

Whereupon, on motion of counsel for the petitioner, in open Court, the hearing was continued, and this proceeding set for hearing and determination at 11 A. M. on the 18th day of October, 1934, or as soon thereafter as the parties can be heard.

[Handwritten signatures and initials]

RECORDS
CIVIL ORDER
100
1001
1002