

County: Madison
 District: Roberson

Claimant #47 - Nicholson, Edward.

Acreage Found: 42 Assessed 35 Deed 30.

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

Incumbrances, counter claims or laps: None known.

Soil: Sandy loam, the F. C. is of a fair depth and fertility. The F. G. has some persimmon and briars, gentle to steep slopes.

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

History of tract and condition of timber: The timber on the wooded area of this tract has been burned and is in such a condition that it has no commercial value.

Improvements:
 House, frame, 16 x 33, four rooms, porch 7 x 17, shingle roof, stone flues, 1½ stories high, fair condition, water supply from spring, solid foundation.
 Barn, frame, 14 x 30, shingle roof, fair condition.
 Cow Shed, log, 8 x 8, shingle roof, fair condition.
 Corn House, log, 10 x 12, shingle roof, poor condition.

Total value of improvements -- \$415.00.

Orchard: 82 Old Trees @ 75¢ --- \$61.50.
 28 Improved Trees @ 1.50 \$42.00
 \$103.50.

Value of land by types:

| Type | Acreage | Value per acre | Total Value |
|------|-----------|-------------------|------------------|
| Cove | 22 | \$2.00 | \$44.00 |
| Fg | 10 | \$10.00 | \$100.00 |
| Fc | 7 | \$10.00 | \$70.00 |
| Fr | 3 | \$5.00 | \$15.00 |
| | <u>42</u> | | <u>\$229.00.</u> |

Summary:

Total value of land. \$229.00
 Total value of improvements. \$415.00
 Total value of orchard. \$103.50
 Total value of tract. \$747.50.

L. W. Farmer, Sec.

County: Madison
District: Roberson

47, Nicholson, Edward

Acreage claimed: 35 Assessed 35 Deed 30A
Value claimed: \$800 " \$205 " \$30-1902

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

Incumbrances, counter claims or laps: none known

Soil: Sandy loam, the F. C. is of a fair depth and feritlity.
The F. G. has some persimmon and briars, gentle to steep slopes

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

History of Tract and Condition of Timber: The timber on the
weeded area of this tract has been burned and is in such a condition
that it has no commercial value.

Improvements:

House, frame, 16 x 33, four rooms, porch 7 x 17, shingle roof
stone flg, 1 1/2 stories high, fair condition, water supply from
spring, solid foundation.

Barn, frame, 14 x 30, shingle roof, fair condition

Cow Shed, log, 18 x 8, shingle roof, fair condition

Corn House, log, 10 x 12, shingle roof, poor condition

Orange & yellow spec
(Orchard, 70 trees, apple, 12 to 50 years old, fair cond.)

\$275.00
60.00
15.00
10.00
360.00
70.00

Value of land by types:

| Type | Acreage | Value per acre | Total Vlaue |
|-------|---------------------------|-------------------|----------------|
| Cove | 22 | \$ 2.00 | \$ 44.00 |
| F. G. | 10 | 10.00 | 100.00 |
| F. C. | 7 | 12.00 | 84.00 |
| F. R. | 3 | 4.00 | 12.00 |
| | <u>42</u> (actual Survey) | | |

Total value of land \$ 240.00
Total value of improvements 360.00
Total value of orchard 70.00
Total value of tract 670.00
Average value per acre 15.90

Claim of Eddie Nicholson
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 Madison County, Virginia, Defendants.
The undersigned, in answer to the petition of the State Commission on Conservation and Development of the State of Virginia, and in response to the notice of condemnation awarded upon the filing of said petition and published in accordance with the order of the Circuit Court of Madison County, Virginia, asks leave of the Court to file this as his answer to said petition and to said notice.

My name is Eddie Nicholson
My Post Office Address is Oldrag 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 3.5 acres, on which there are the following buildings and improvements: 1 Dwelling house 4 Rooms
1 Barn 1 Corn house 1 poultry house 1 dairy house
68 Bearing apple trees

This land is located about 1/4 miles from Oldrag Virginia, in the Polkston 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 Elmer Dyer
- South John Butler
- East Howard Berry
- West John Butler

I acquired my right, title, estate or interest to this property about the year 1915 in the following manner:

By securing deed from Hubert Westley

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 800.00. 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 \$ _____.

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 17th day of July, 1930.

Eddie Nicholson
Mark

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

The undersigned hereby certifies that Eddie Nicholson the above named claimant personally appeared before him and made oath that the matters and things appearing in his above answer are true to the best of his knowledge and belief, this 17 day of July, 1930.

F. P. Rider
Witness to mark

F. P. Rider, Jr.
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.

Claim of *Edith Nicholson*
In the Circuit Court of *Madison* County, Virginia, No. *22* At Law
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. *W. P. Nicholson & others*

more or less of land in *Madison* County, Virginia, Defendants.
The undersigned, in answer to the petition of the State Commission on Conservation and Development of the State of Virginia, and in response to the notice of condemnation awarded upon the filing of said petition and published in accordance with the order of the Circuit Court of *Madison* County, Virginia, asks leave of the Court to file this as his answer to said petition and to said notice.

My name is *Edith Nicholson*
My Post Office Address is *Edith Nicholson, 12*

I claim right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about *3.4* acres on which there are the following things and improvements: *Building house & garage*

The tract is located about *1/4* miles from *Seeborg* in *Madison* County, Virginia, in *Madison* District of said County.

I claim the following right, title, estate or interest in the tract or parcel of land described above: *In this space claimant should say whether he is sole owner or joint owner, and if joint owner give names of the joint owners. If claimant is not sole or joint owner, he should set out exactly what right, title, estate or interest he has in or to the tract or parcel of land described above.*

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

I acquired my right, title, estate or interest to this property about the year *1912* in the following manner: *By deed from W. P. Nicholson*

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ *2,000.00*. 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 \$ *2,000.00*.

I am the owner of *3.4* 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 \$ *2,000.00*. (In the space below should be set out any additional statements or information as to this claim which claimant deems 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*, 1980

To-wit: *Edith Nicholson*
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 *11th* day of *July*, 1980
Notary Public or Justice of the Peace
Clerk of the Court or Special Investigator or

Edith Nicholson
Edith Nicholson
Edith Nicholson

W. P. Nicholson

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 20th day of February, 1934, came Eddie Nicholson and J. M. Jenkins and on their motion, leave is given them to file their application for the payment of the sum of \$747.50, the amount of the award set out in the judgment of condemnation for Tract No. 47 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 Eddie Nicholson and J. M. Jenkins are invested with a superior or better right or claim of title in and to the said Tract No. 47 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. 47 or to the proceeds arising from the condemnation thereof, and are therefore entitled to receive the proceeds arising from the condemnation of said Tract No. 47, and it further appearing to the Court that all taxes due or payable upon said Tract No. 47 have been paid except for the years 1932 and 1933. Upon consideration whereof it is considered and ordered by the Court that the said sum of \$747.50 paid into Court by petitioner as just compensation for Tract No. 47 be paid out and distributed as follows:

- | | |
|--|---------|
| (1) To A.H. Cave, Clerk, Madison, Va. delinquent taxes | \$ 4.97 |
| (2) To B. S. Utz, Treas. Madison, Va. taxes for 1933 | 3.86 |
| (3) To N. G. Payne, atty. Madison, Va fee and costs | 12.00 |
| (4) To K. R. Payne, Madison, Va. for bond and interest secured by deed of trust | 67.34 |
| (5) To N. G. Payne, atty., Madison, Va. | 659.33 |

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. 47, 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.

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. 47, 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.

- (1) To A. H. Cave, Clerk, Madison, Va., delinquent taxes \$ 4.97
- (2) To B. S. Hix, Treas. Madison, Va., taxes for 1933 3.88
- (3) To N. G. Payne, atty., Madison, Va. fee and costs 12.00
- (4) To K. R. Payne, Madison, Va., for bond and interest secured by deed of trust 67.34
- (5) To N. G. Payne, atty., Madison, Va. 669.33

action for Tract No. 47 be paid out and distributed as follows:

that the said sum of \$747.50 paid into Court by petitioner as just compensation for Tract No. 47 be paid out and distributed as follows:

Upon consideration whereof it is considered and ordered by the Court said Tract No. 47 have been paid except for the years 1932 and 1933, and it further appearing to the Court that all taxes due or payable upon and receive the proceeds arising from the condemnation of said Tract No. 47, arising from the condemnation thereof, and are therefore entitled to

in interest as to the title to said Tract No. 47 or to the proceeds

State Commission on Conservation and Development -

(Order for the Distribution of

Tract No. 47 -

D. F. Anderson and others

Enter -

W. J. J. Judge

BOOK 9
 LAW ORDER
 PAGE 168

J. M. Jenkins and on their motion, leave is given them to file their

On this, the 20th day of February, 1934, came Eddie Nicholson and

land in Madison County, Virginia, and \$5,000 acres of

Development of the State of Virginia,

The State Commission on conservation and

In the Circuit Court of Madison County, Virginia:

Petitioner -

Defendants -

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. 47 : 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. 47 \$747.50; on Tract No. \$; on Tract No. \$;

That the report of the said Board sets forth that the following named persons claim, or appear to have a claim to an interest in the said tract(s) of land or in the proceeds arising from the condemnation thereof;

According to the report of the Board of Appraisal Commissioners, the said land is owned by Eddie Nicholson. In the summer of 1933, the undersigned conveyed the said land to J. M. Jenkins, in which deed his wife did not unite -

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:—

That the consideration paid by the said J. M. Jenkins was only about two hundred dollars, and your undersigned claims a part of the award for 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:

J. M. Jenkins claims the said land and the award by virtue of his deed, but he only paid about two hundred dollars for the land, exclusive of the deed of trust. He would have paid more if the undersigned's wife had signed the deed releasing her dower interest -

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. 47 \$747.50: 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)

There are some taxes due upon the said land -

| NAME | P. O. ADDRESS |
|---------------------------------------|-------------------------|
| <u>Eddie Nicholson</u> <i>mark</i> | <u>Oldrag, Virginia</u> |
| <u>Witness</u> | |
| <u>K. R. Payne</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.

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. 47 : 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. 47 \$747.50 ; on Tract No. _____ \$ _____ ; on Tract No. _____ \$ _____ ;

That the report of the said Board sets forth that the following named persons claim, or appear to have a claim to an interest in the said tract(s) of land or in the proceeds arising from the condemnation thereof;

According to the report of the Board of Appraisal Commissioners the said land is owned by Eddie Nicholson, but since the filing of said report, your undersigned purchased the said land from the said Eddie Nicholson, and the same was conveyed to him by deed. See D.B. P.

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 claims the entire award, subject to the payment of the deed of trust on the said land securing the payment of a bond to K. R. Payne for \$61.62 and interest thereon -

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. 47 \$747.50 : 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 |
|-------|---------------------|
| ----- | Nethers, Virginia - |
| ----- | ----- |
| ----- | ----- |
| ----- | ----- |
| ----- | ----- |

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.

This is to certify that there are delinquent taxes of record in my office to the amount of \$ 4.97... against the tract of land owned by ... Eddie Nicholson which is designated as Tract No. 47.....; 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 *Betha M. Patten* Deputy
Clerk

This is to certify that there are \$3.86 1933 taxes of record
in my office to the amount of \$3.86 against the tract of land
owned by Eddie Nicholson
..... which is
designated as Tract No. 47 ; 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

B. S. Ith

Treasurer, Madison County, Virginia

By Deputy
Treasurer