

Claim of E. B. 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 E. B. Nicholson
My Post Office Address is Nethers 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 70 acres, on which there are the following buildings and improvements: 1 dwelling 1 Barn 2 Corn houses 2 poultry houses 228 inground apples trees 96 old apple trees 8 peach trees 22 cherry 22 black walnuts trees
This land is located about 3 miles from Nethers Virginia, in the Roberson 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:

South J. B. Nicholson
East J. P. Carshin
West E. B. Nicholson

I acquired my right, title, estate or interest to this property about the year 1910 in the following manner:

by securing deeds from J. P. Nicholson, Donald D. Adams & H. F. Patton

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 3950.00. 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 17 day of July, 1930.

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

The undersigned hereby certifies that E. B. 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.

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

NOTE—This need not be filed until the record discloses that the awards have been paid into the custody of the Courts.

Virginia: In the Circuit Court of Madison County at Madison, Virginia

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

V. At Law No. 82

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

Comes now the undersigned and shows to the Court:

That a judgment in rem has heretofore been entered in this proceeding condemning to the use of the Petitioner the fee simple estate in the tract(s) of land numbered as follows: Tract No. 7-----:

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. 7----- \$1951.75; 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;

E. B. Nicholson

That the Petitioner has paid into the custody of the Court the said sum(s) set out in said judgment as constituting the award(s) for the fee simple estate in the said tract(s) of land;

That your undersigned, on the date of the said judgment in rem condemning the said tract(s) of land, owned or was (were) entitled to the following interest in the said tract(s) or in the proceeds arising from the condemnation thereof:—

By reason of Contribution pledge, obligating the owner, E. B. Nicholson, to give 6 acres of his land within the Park Area to the Park Project.

That no other person or persons than the undersigned are entitled to share in the distribution of the said award(s) except the following named persons whose interest in said tract(s) or in the proceeds arising from the condemnation thereof on the date of entry of said judgment was as follows:

Wherefore, your undersigned pray(s) that [he (they) be made a party (parties) herein under the provisions of Section 21 of the Public Park Condemnation Act, and that] an order be entered for the distribution of said sum(s) set forth in said judgment in rem as constituting the award(s) for the fee simple estate in the said tract(s) condemned as aforesaid, and for the payment to the undersigned of the said award(s) or of as much thereof as the Court may find that the undersigned is (are) entitled to

receive, and which the undersigned aver(s) is as follows: Tract No. 7----- \$7.50-----: Tract No. ----- \$-----: Tract No. ----- \$-----;

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

NAME

P. O. ADDRESS

STATE COMMISSION ON CONSERVATION & DEVELOPMENT

BY Elliott Marshall

NOTE—A supply of this blank form has been placed in the Clerk's office for the convenience of interested parties. No one is required to use this form, as the form is not prescribed by law, and claimants can either change or modify it as they deem necessary, or present their motions in any form they may desire which meets with the approval of the Court. This blank form may not and probably will not cover all cases. It has been printed merely as a suggestion of a form of a motion which may be used, subject to the approval of the court in each case.

Filed 1/9-1934

State! *Alton*

Virginia: In the Circuit Court of Madison County at Madison, Virginia
The State Commission on Conservation and Development of the State of Virginia
V. At Law No. 22
J. R. 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 favor has heretofore been entered in this proceeding concerning to the use of the
Petitioner for the simple estate in the tract(s) of land numbered as follows: Tract No. V
Tract No. _____

STATE OF VIRGINIA)
COUNTY OF WARREN) SS

Personally appeared before me the undersigned Notary

Public in my said State and County, E. K. Stokes, who being
duly sworn, deposed and said that she is an employee of the
State Commission on Conservation and Development in immediate
charge of the records of the Shenandoah National Park Division
thereof having to do with claims of the Commission for dis-
tributive shares of condemnation awards in the Shenandoah
National Park condemnation proceedings pending in the Circuit
Courts of Virginia, by reason of contracts and agreements en-
tered into with the owners of lands sought to be condemned in
these proceedings, and that the within claim is just and cor-
rect.

Witness my signature this 8th day of January, 1934.

Chas F Good
NOTARY PUBLIC
My Commission Expires Sep. 8, 1934
Notary Public



The undersigned further avers (s) that: (Leave this space blank unless there is some other per-
tinent matter to be brought specially to the attention of the court.)
No. _____
Tract No. _____
and which the undersigned avers (s) is as follows: Tract No. V
Tract No. _____

NAME _____
STATE COMMISSION ON CONSERVATION & DEVELOPMENT
ADDRESS _____
Robert Anderson

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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 Ephraim B. Nicholson and on his motion, leave is given him to file his application for the payment of the sum of \$1951.75, the amount of the award set out in the judgment of condemnation for Tract No. 7 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 14th day of December, 1933, that in the opinion of petitioner the said Ephraim B. Nicholson is invested with a superior or better right or claim of title in and to the said Tract No. 7 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. 7 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. 7 except as herein provided. And it further appearing to the Court that all taxes due or payable upon said Tract No. 7 have been paid except for the years 1931, 1932 and 1933. Upon consideration whereof it is considered and ordered by the Court that the said sum of \$1951.75 paid into Court by petitioner as just compensation for Tract No. 7, be paid out and distributed as follows:

(1) To A.H. Cave, Clerk, Madison, Va. delinquent taxes	\$ 18.40
(2) To B.S. Utz, Treas. Madison, Va. taxes for 1933	10.21
(3) To N.G. Payne, atty. Madison, Va. fee and costs	12.00
(4) To K.R. Payne, Madison, Va. bond and interest	65.58
(5) To N.G. Payne, Madison, Va. bond and interest	62.57
(6) To N.G. Payne, atty. for J.M. Jenkins judgment vs E.B. Nicholson	212.06
(7) To N.G. Payne, atty. Madison, Va. Park Donation	7.50
(8) To Ephraim B. Nicholson, Nethers, Va. balance	\$ 1563.43

And the Clerk of this Court is directed to transmit a certified copy of this order to the Treasurer of Virginia, who shall pay out said fund as above provided, the items set forth aggregating the award set out in the judgment of condemnation for Tract No. 7, 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.

provided by law.

such payment to the Clerk of this Court for appropriate entry thereof, as whom the fund is payable as aforesaid receipts therefor, and certifying judgment of condemnation for Tract No. 7, taking from said parties to above provided, the items set forth aggregating the pay out said fund as this order to the Treasurer of Virginia, who shall pay out said fund as

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

- (8) To Ephraim B. Nicholson, Bethesda, Va. balance \$ 1203.43
- (7) To N.G. Payne, atty. Madison, Va. Park Donation 7.50
- Nicholson 315.00
- (6) To N.G. Payne, atty. for E.H. Jenkins judgment vs E.B. 82.57
- (5) To N.G. Payne, Madison, Va. bond and interest 82.57
- (4) To E.H. Payne, Madison, Va. bond and interest 82.58
- (3) To N.G. Payne, atty. Madison, Va. fee and costs 15.00
- (2) To B.S. Uts, Treas. Madison, Va. taxes for 1933 10.51
- (1) To A.H. Cave, Clerk, Madison, Va. delinquent taxes \$ 18.40

to be paid out and distributed as follows:

\$1051.78 paid into Court by petitioner as just compensation for Tract No. 7, whereof if its considered and ordered by the Court that the said sum of except for the years 1931, 1932 and 1933. Upon consideration

Court that all taxes due or payable upon said Tract No. 7 have been paid Tract No. 7 except as herein provided. And it further appearing to the entitled to receive the proceeds arising from the condemnation of said

State Commission on Conservation and Development -

(Order for the Distribution of award - Tract No. 7 Vs D.F. Anderson and others -

Enter - *[Signature]* Judge -

to the proceeds arising from the condemnation thereof, and is therefore any party or person in interest as to the title to said Tract No. 7 or and that the record of this cause does not disclose any denial or dispute superior or better right or claim of title in and to the said Tract No. 7. Therefore, the record of this cause and in the petition for judgment and compensation entered herein on the 11th day of December, 1933, that the condemnation of said Tract No. 7 is hereby affirmed and the award of \$1051.78, the amount of the award set out in the payment of the sum of \$1051.78, the amount of the award set out in the

and on his motion, leave is given him to file his application for the


On this, the 11th day of February, 1934, came Ephraim B. Nicholson and D.F. Anderson and others and \$5,000 acres of Defendants -

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

LAW ORDER
BOOK 9 PAGE 161

This is to certify that there are 1933 taxes of record
in my office to the amount of \$10.21. against the tract of land
owned by Ephrim B. Nicholson,.....
..... which is
designated as Tract No...?... ; 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 13th day of February, 1934.


.....
Treasurer, Madison County, Virginia

By Deputy
Treasurer

This is to certify that there are delinquent taxes of record in my office to the amount of \$18.40... against the tract of land owned by

..... Ephraim B. Nicholson

..... which is

designated as Tract No. .7....; 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 .20. day of ... Feb., 1934.

A. H. Care

..... Clerk..

Circuit Court, Madison County, Virginia

By *Bertha W. Patten*.....

Deputy

Clerk

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. 7 : Tract No. : 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. 7 \$ 1951.75; 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;

E. B. Nicholson (same as Ephraim B. Nicholson)-

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 owns the said land in fee simple, subject to deed of trust to N.G.Payne, Trustee, dated Aug. 4th 1932, and recorded in D.T.B. 7, p. 332, to secure to K.R.Payne bond for \$60.00, with interest from date, and deed of trust to secure to N.G.Payne bond for \$62.00, with interest from December 28th 1933 -

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 obtained a judgment against the undersigned, E.B. Nicholson on December 22nd 1933, for \$206.21 with interest from Dec. 22nd 1933, and \$3.75 costs - See Judgment Lien Docket No. 1, page 92.

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. ~~##~~ 7 \$ 1951.75 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>E B Nicholson</u>	<u>Nethers, Virginia -</u>
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