

County: Madison
District: Roberson

#88 Nicholson, Jack

Acreage Claimed: 28 Assessed 28 Deed not stated
Value Claimed: \$650 " \$187 " 141.82 (1930)

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 much humus but very rocky. The slopes are mostly steep. The tillable land is fertile but rocky and much of it is steep. The restocking has good soil but is rough, rocky and steep and covered with a dense stand of sasafraz and locust to 20'.

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

History: The tract has been cut over and there is no merchantable timber but plenty of fire wood.

Improvements:

Frame dwelling 16x25, 4 rooms, 1½ story, 3rooms ceiled, solid foundation, shingle roof	\$150
Frame barn, 15x21x12, shingle roof, poor cond.	10
Frame henhouse, 9x10x8, shingle roof, fair cond.	5
Log Corn house, 8x10x8, poor cond. <i>Value \$250</i>	10
	<u>175</u>
Orchard: 6apple trees, 25yrs. fair cond.	\$6.00
10 peach " 44yrs., fair cond.	10.00
	<u>16.00</u>

<u>Value of land by types:</u>		<u>Value</u>	<u>Total</u>
<u>Type</u>	<u>Acreage</u>	<u>per acre</u>	<u>Value</u>
Slope	20	1.50	30.00
Tillable	8	8.00	64.00
Restocking	4	5.00	20.00
	<u>32</u>		<u>114.00</u>

Total value of land	\$114.00
Total value of improvements	175.00
Total value of orchard	16.00
Total value of tract	<u>305.00</u>
Average value per acre	9.53

Claim of Jack Nicholson
In the Circuit Court of Madison County, Virginia, No. 87, At Law.
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. N. D. Anderson & others

28 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, asks leave of the Court to file this as his answer to said petition and to said notice.

My name is Jack Nicholson
My Post Office Address is Syria, 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 28 acres, on which there are the following buildings and improvements: Dwelling house & out-building

This land is located about 5 miles from Syria 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. Butler
South Ella Nicholson
East J. W. Butler + Ella Nicholson
West W. J. Dyer

I acquired my right, title, estate or interest to this property about the year 1930 in the following manner: By purchase

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 650.00. 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 \$ 650.00.

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: Deed of Trust for \$86.00 on the above mentioned land.

(Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 19 day of July, 1930.

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

The undersigned hereby certifies that Jack 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 19 day of July, 1930.

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

Claim of *Jack Nicholson*
in the Court of *Madison* County, Virginia, No. *24* At Law
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. *W. H. Nicholson*

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 *Jack Nicholson*
My Post Office Address is *Spring, 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 *20* acres, on which there are the following buildings and improvements: *Tracing house & out.*

This tract is located about *5* miles from *Spring* in the *Madison* 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.

The land owners adjacent to the above described tract or parcel of land are as follows:
East *W. H. Nicholson & Elsie Nicholson*
West *W. H. Nicholson*

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

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ *250.00*. 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 \$ *250.00*. I am the owner of *20* 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* acres. (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:
Head of Trust for H.W.C. on the above mentioned land.

(Continue remarks if necessary on the back.)
Witness my signature (or my name and mark attached hereto) this *19* day of *July*, 1930.

STATE OF VIRGINIA, COUNTY OF *Madison*.
To-wit: *Jack 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, and things appearing in his above answer are true to the best of his knowledge and belief, this *19* day of *July*, 1930.

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

Jack Nicholson

Filed July 19, 1930

NOTE

A. H. Lane, Clerk

In the Circuit Court of Madison County, Virginia.

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

Petitioner -

v

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

Respondents -

On this, the 17 day of January, 1934, came Jack I. Nicholson and on his motion, leave is given him to file his application for the payment of the sum of \$400.00, the amount of the award set out in the judgment of condemnation for Tract No. 88 and heretofore paid into the court, and thereupon ~~N.G. Payne, Trustee,~~ K. R. Payne, tendered his answer to said petition, which answer is hereby accordingly filed, 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 4 day of Dec., 1933, that, in the opinion of the petitioner, the said Jack I. Nicholson is invested with a superior or better right or claim of title in and to the said tract of land No. 88, or to the proceeds arising from the condemnation thereof except as hereinafter provided, and it further appearing to the court that all taxes due or payable upon said Tract No. 88 have been paid; upon consideration whereof, it is considered and ordered by the Court that the said sum of \$400.00, paid into Court as just compensation for said Tract No. 88, be paid out and distributed as follows:

- (1) To K.R. Payne, the sum of \$54.47;
- (2) To N.G. Payne, atty. Madison, Va. fee and costs \$12.00
- (3) To Jack I. Nicholson, the sum of ~~333.53~~ \$333.53

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. 88, 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.

The addresses of the above
parties are as follows:
K.R. Payne, Madison, Va.
N.G. Payne, Madison, Va.
Jack I. Nicholson, Syria.

Enter.

Judge -

In the Circuit Court of Madison County, Virginia:

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

Vs (Petition of Jack I Nicholson, owner of Tract No. 88 for order of
Distribution

D.F. Anderson and others -

To the Honorable Lemuel F. Smith, Judge of the circuit court of
Madison county, Virginia:

Your petitioner, Jack I Nicholson, respectfully represents:

That he is the owner of Tract No. 88, being that certain tract of
land situate, lying and being in Madison county, in the Robertson Mag-
isterial District, and within the bounds of the Shenandoah National
Park, and which is known and designated in the report of the Board of
Appraisal Commissioners, and on the Madison county ownership map, filed
in the above entitled condemnation proceedings as Tract No. 88, con-
taining _____ acres; and,

That on the 15th day of February, 1930, your petitioner bought the
said tract of land known as Tract No. 88, ^{from Kennie L. Nicholson} and assumed a deed of trust
dated Sept. 10, 1927, which conveyed to N.G. Payne, Trustee, the said
tract of land, known as Tract No. 88, intrust to secure to K.R. Payne,
the payment of a bond for \$86.62. The balance due on this bond with
interest from January 1st, 1934 is \$54.34, and the said bond is a valid
lien upon the award made for the said land.

That the said deed of trust is the only lien binding the said land.

That the Board of Appraisal Commissioners awarded to your petition-
er for the said tract of land the sum of \$400.00 as compensation and
damages for the taking thereof as will more fully appear from the report
of the said Board of Appraisal Commissioners heretofore filed in this
cause on the 2nd day of June, 1932, and which report has been duly con-
firmed as to the said tract of land aforesaid, and the award for the
condemnation thereof ordered to be paid into the custody of this court
pursuant to an order heretofore entered therein; and

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

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

That your petitioner desires that the sum of \$54.34, with interest from January 1st, 1934, be paid out of the said award, and the balance thereof paid to your petitioner.

Whereof your petitioner prays that the said N.G. Payne, Trustee, ^{& W.R. Payne} may be made a party defendant to this petition and required to answer the same; that the court may order the distribution of the said award of \$400.00 as above indicated; and that your petitioner may have all such further and other and general relief in the premises as the nature of his case may require, or to equity shall seem meet.

And your petitioner shall ever pray, etc -

Jack I. Nicholson Petitioner -

Counsel -

This is to certify that there are .No... delinquent taxes of record in my office to the amount of \$..... against the tract of land owned by Jack I. Nicholson ... (J. Irvin Nicholson) ..
..... which is designated as Tract No. ... 88.; 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. Case* Clerk..
Circuit Court, Madison County, Virginia
By .. *Bertha W. Pattie* Deputy
Clerk

This is to certify that there are no 1933 taxes of record
in my office to the amount of \$ 0.00 against the tract of land
owned by Jack I. Nicholson

(1933 taxes paid this date, January 13, 1934) which is
designated as Tract No. 88 ; 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 January, 1934.

B. S. Utz
Treasurer, Madison County, Virginia

By J. B. Fry Deputy
Treasurer