

County: Madison
District: Roberson

Claimant #101 - Nicholson, Oscar.

Acreage Found: 11.

Location: Within the exterior boundary of the Fray and Green tract.

Incumbrances, counter claims or laps: None ^{other} known.

Soil: Sandy loam of a fair depth and fertility. Loose rock and some outcrops over the entire area.

Roads: Secondary dirt roads, 15 miles and 10 miles of hard surface.

History of tract and condition of timber: All cleared and in cultivation.

Improvements: Log Dwelling, 16x20, 2 rooms, shingle, stone flues, 1 story, fair condition, occupied by owner, water supply spring, posts.

Log Barn, 13x14x7, shingle, fair condition.

Log Kitchen, 13x13x10, shingle, fair condition.

Log corn house, 6x9, shingle.

Log Henhouse, 9x13, shingle.

Log Cellar, 6x13, shingle, fair condition.

Total value of improvements -- \$315.00.

Orchard: 5 peach trees @ \$1.00. \$5.00.

Value of land by types:

Type	Acreage	Value per acre	Total Value
Garden	2	\$50.00	\$100.00
Fc	9	\$10.00	\$90.00
	11		\$190.00.

Summary:

Total value of land.	\$190.00
Total value of improvements.	\$315.00
5 peach trees @ \$1.00	\$5.00
Total value of tract.	\$510.00.

Remarks: 4 acres Fc out of Fray & Green not included in ^{States} report.

L. W. Tamm, Sec

County: Madison
 District: Roberson

#101 Nicholson, Oscar

Acreage Claimed: Assessed Deed

Value Claimed: 800 " "

Location: Within the exterior boundary of the Fray and Green tract.

Incumbrances, counter claims, or laps: None known

Soil: Sandy loam of a fair depth and fertility. Loose rock and some outcrops over the entire area.

Road: Secondary dirt roads 15 miles and 10 miles of hard surface.

History of tract and condition of timber: All cleared and in cultivation.

Improvements: Log Dwelling, 16x20, 2rooms, shingle, stone flues, 1 story, fair cond., occupied by owner, water supply spring, posts } \$75.
 Log Barn, 13x14x7, shingle, fair cond. } 35.
 Log Kitchen, 13x13x10, shingle, fair cond } 75
 Log corn house, 6x9, shingle } 20
 Log Henhouse, 9x13, shingle } 5
 Log Cellar, 6x13, shingle, fair cond. } 15
 Orchard: 5 peach trees @ 1.00 } 5

Value of Impr \$315

<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>
Fc.	7 (By Survey)	\$10.00	\$70.00

Total value of land	\$70.00
Total value of improvements	235.00
Total value of orchard	5.00
Total value of tract	310.00
Average value per acre	44.28

101

Claim of Oscar Nicholson
In the Circuit Court of Madison County, Virginia, No. _____, At Law.
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. Oscar 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 Oscar Nicholson
My Post Office Address is Old Rag

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 1.5 acres, on which there are the following buildings and improvements: 2 dwelling houses 1 Barn 1 Corn crib 1 Chicken house 1 cellar

This land is located about 3 miles from Old Rag, P. O. Virginia, in the Robinson 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 Possession Right

The land owners adjacent to the above described tract or parcel of land are as follows:
North S. B. Nicholson
South Christadora
East "
West Miller & Foay

I acquired my right, title, estate or interest to this property about the year 1909 in the following manner: Joseph Nicholson

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 800. 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 \$ 800.

I am the owner of 0.0 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 \$ 0.0.

(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: all cleared 1/2 in grass all Fenced with Barb wire about 10 Peach trees

(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 Page, To-wit:

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

H. F. Fox
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.

101
Claim of *Umar Nicholson*
In the Circuit Court of *Madison* County, Virginia, No. *101*
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs *Umar 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 *Umar Nicholson*
My Post Office Address is *Old Rag*

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about *10* acres, on which there are the following buildings and improvements: *2 dwelling houses, 1 barn, 1 collier*
and is located about *3* miles from *Old Rag, P. D.* Virginia, in *Madison* County, Virginia, 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.)
See previous right

The land owners adjacent to the above described tract or parcel of land are as follows:
North *U. R. Nicholson*
South *U. R. Nicholson*
East *William Gray*
West *William Gray*

I acquired my right, title, estate or interest in this property about the year *1909* in the following manner:
Umar Nicholson

I claim that the total value of this tract or parcel of land with the improvements thereon is *\$800*. 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 *\$800*.
I am the owner of *0.2* 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 *0.2* 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: *all cleared in my own old tract with Park with about 10 back land*

(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: *Umar 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 *17* day of *July*, 1930.

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

Umar Nicholson
Rec'd & Paid July 22, 1930
Umar Nicholson

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. 101 :

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. 101 \$ 510.00; on Tract No. _____ \$ _____; on Tract No. _____ \$ _____;

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

Oscar 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, Oscar Nicholson, to give 5 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. 101 \$ 50.00 : Tract No. _____ \$ _____: Tract No. _____ \$ _____;

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

NAME

P. O. ADDRESS

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.

Final 1/9-34

Just before said.

The State Commission on Conservation and Development of the State of Virginia
In the Circuit Court of Madison County at Madison, Virginia
V. At Law No. 83
In E. Anderson and others and Fifty-Five Thousand (55,000) Acres, more or less of
land in Madison County, Virginia

Comes now the undersigned and shew to the Court:
That a judgment in rem has heretofore been entered in this
Court in the case of the above-entitled land and is as follows:
Tract No. _____

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 Notary Public
My Commission Expires Sep. 8, 1934



The undersigned further aver(s) that (Leave this space blank unless there is some other part
of the matter to be brought specially to the attention of the court.)
No. _____ : Tract No. _____
The undersigned party(s) that (s) he (they) be made a party (parties) herein under the
provisions of the Public Park Condemnation Act, and that an order be entered for the
award of said award(s) set forth in said judgment in rem as constituting the award(s) for the
land sought to be 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 party(s) is as follows: Tract No. _____ \$ 50.00 : Tract

STATE COMMISSION ON CONSERVATION & DEVELOPMENT
NAME _____
F. O. ADDRESS _____

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 facts are not prescribed by law, and statements can
either change or modify it as they deem necessary, or present their matters in any form they may de-
sire which meets with the approval of the Clerk. 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.

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 12th day of January, 1934, came the Petitioner by counsel, and exhibited to the Court the record of the above styled proceeding, including the several exceptions to the findings set forth in the report of the Board of Appraisal Commissioners filed herein, and the order of the Court entered the 4th day of December setting this proceeding for hearing on the motion of the Petitioner to dismiss the exceptions hereinafter mentioned, on the said exceptions, the answers thereto, and the supporting affidavits filed in the record, and thereupon, the matters of law and fact arising out of the exceptions hereinafter mentioned were argued by counsel for the Petitioner and for the respective exceptants, and disposed of as follows, to-wit:

In the matter of the exception filed by Walter Nicholson, and of the claim submitted by him for compensation for a building erected by him since the date of the filing of the report of the Board of Appraisal Commissioners herein, it was agreed by the parties and their respective counsel, under the terms of a stipulation entered into in open Court, that the improvements for which the said Walter Nicholson claimed compensation had in fact been placed on Tract No. 101 as described and numbered in the report of the said Board of Appraisal Commissioners, which said Tract No. 101 as shown and delineated on the County Ownership Map filed with said report, was claimed by his father, Oscar Nicholson, and the Petitioner having obligated itself to pay into the custody of this Court the sum of one hundred dollars, on account of improvements placed on Tract

#101 since the date of the filing of the report of the Board of Appraisal Commissioners herein, for the use and benefit of the person or persons entitled thereto, and the exceptant having agreed to offer no objection to the dismissal of his said exception, it is adjudged and ordered that the said exceptions be overruled and dismissed generally, and specifically in so far as they relate to or affect the said Tracts #25 and #101, and leave is granted the Petitioner to pay the said amount of \$100.00 into the custody of this Court in pursuance of the said stipulation and to make such payment by paying the said amount to the Clerk of this Court.

In the matter of the exceptions of the claimant C. G. Southard, upon consideration of these exceptions, the answer thereto, the supporting affidavits and the oral testimony submitted by Petitioner and this claimant, including the oral testimony of the members of the Board of Appraisal Commissioners, it is adjudged and ordered that the said exceptions should be and are overruled and dismissed generally, and specifically in so far as they relate to Tract #108 described in the report of the Board of Appraisal Commissioners.

In the matter of the exceptions of the claimant Benton P. Richards, upon consideration of these exceptions, the answer thereto, the supporting affidavits and the stipulation of the parties in open Court, whereunder it was agreed that the findings set forth in Table II of the report of the Board of Appraisal Commissioners as to Tract #152 should be amended by adding thereto the sum of \$97.50 on account of timber not taken into consideration by the Board of Appraisal Commissioners, and the further sum of \$56.00, the value set upon certain improvements upon fourteen acres of land amounting to four dollars an acre, as ascertained in an extra-judicial determination thereof by the Judge of this Court made by consent of the parties in open Court, it is adjudged and ordered that Table II of the report of the Board of Appraisal Commissioners herein

should be and is amended by adding to the sum found therein as the value of said Tract #152, the sum of \$153.50, and that the said amendment having been ordered, the said exceptions of the said Benton P. Richards should be and are dismissed and overruled generally, and specifically in so far as they relate to Tracts #152, #152-a and #156, described and numbered in the report of the Board of Appraisal Commissioners herein; and the Clerk of this Court is authorized and directed to amend the amount shown as the value of said Tract #152 in Table II of the said report, by running a line through the same with pen and ink, and inserting by the side thereof of the same amount plus \$153.50, and noting a reference to this order on the margin of said Table.

In the matter of the several exceptions of the claimants Charles E. Seal and Ernest T. Seal, the said Charles E. Seal and Ernest T. Seal stipulated in open Court that their respective exceptions were not strictly speaking exceptions to the findings in the report of the Board of Appraisal Commissioners herein, but rather in the nature of prayers for compensation for improvements placed on their lands since the date of the filing of said report, and that if provision were made for payment of these improvements, they would have no objection to the dismissal of their exceptions, and the Petitioner having stipulated in open Court that it would deposit in this Court on account of improvements thus placed on Tract #86, the sum of \$35.00, and on account of improvements thus placed on Tract #50 the sum of \$50.00, for the use and benefit of the person or persons entitled thereto, it is adjudged and ordered that the exceptions, objections, motions and prayers of the said Charles E. Seal and of the said Ernest T. Seal, should be and are overruled and dismissed, and leave is granted the Petitioner to pay into the custody of this Court, under the said stipulation, the said sums of \$35.00 and \$50.00 for the use and benefit of the person or persons entitled thereto, and to make said payments by paying over the said amounts to the Clerk of the Court.

A 2⁰⁰
Jan. 12 - 1934

Enter
L.S.

LAW ORDER

~~OK~~ PAGE

CHANCERY ORDER

~~BOOK 9~~ PAGE 158
+ 159

VIRGINIA: IN THE CIRCUIT COURT OF MADISON COUNTY.

Court was at Madison, Virginia.

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

vs. \emptyset At Law No. 100-I

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

And it further appearing to the court that all taxes due or

On the 2nd day of February, 1934, Burnett Miller, Executor named in the will of Cora A. Green, and C. M. Waite and L. F. Bickers, Executors named in the will of W. H. Fray, appeared before the Judge of this Court at Madison, Virginia, and on their motion leave was given them to file their application for the payment of the sum of \$14.00, the amount of the award set out in the judgment of condemnation for Tract No. 100-I, and heretofore paid into court; and thereupon, no answer being 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 _____ day of January, 1934, that, in the opinion of the petitioner, the said Burnett Miller, executor of Cora A. Green, and C. M. Waite and L. F. Bickers, executors of W. H. Fray, claimed to own the said tract of land in fee simple and were entitled to the proceeds arising from the condemnation thereof; and that one Arthur Long also claimed to own the said tract of land in fee simple, and to be entitled to the proceeds arising from the condemnation thereof;

Arthur Long

And it appearing from the record that the said Arthur Long was duly summoned to answer the petition filed by the executors, as aforementioned, but he failed to appear, and there was testimony to the effect that he had abandoned his claim; however the

Court was not advised as to its judgment as to the said Arthur Long, and after having fully considered the question involved, is now of opinion that the said sum of \$14.00 belongs to and should be paid to the executors of Cora A. Green and W. H. Fray, and that the said Arthur Long is entitled to no part thereof.

And the executors all being present, requested that the said sum be paid to Burnett Miller and C. M. Waite, Attorneys.

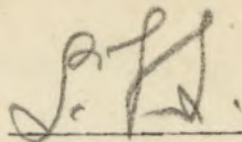
And it further appearing to the court that all taxes due or taxable upon said Tract No. 100-I have been paid;

Upon consideration whereof, it is considered and ordered by the court that the said sum of \$14.00 paid into court as just compensation for the said Tract No. 100-I be paid out and distributed as follows:

To Burnett Miller and C. M. Waite, Attorneys, the sum of \$14.00. Postoffice address Culpeper, Virginia.

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 item above set forth aggregating the award set out in the judgment of condemnation for Tract No. 100-I, 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.

Enter:



Judge

Govt was not advised as to the judgment as to the said Arthur Long, and after having fully considered the question involved, is now of opinion that the said sum of \$14.00 belongs to and should be paid to the executor of the estate of Mrs. A. Green and W. H. Fry, and

at the said Arthur Long is entitled to no part thereof. And the executor aforesaid, requested that the said sum be paid to Burnett Miller and O. M. Waite, Attorneys.

And it further appearing to the court that all taxes due or payable upon said Tract No. 100-1 have been paid;

Upon consideration whereof, it is considered and ordered by the court that the said sum of \$14.00 paid into court as just compensation for the said Tract No. 100-1 be paid out and distributed as follows:

To Burnett Miller and O. M. Waite, Attorneys, the sum of \$14.00. Postoffice address Onidoper, Virginia.

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 item above set forth aggregating the award set out in the judgment of condemnation for Tract No. 100-1, taking from said parties to whom the fund is payable aforesaid receipts therefor, and certifying such payment to the Clerk of this Court for appropriate entry thereof, as provided by law.

Enter:

Judge

LAW ORDER BOOK 9 PAGE 184R

VIRGINIA: IN THE CIRCUIT COURT OF MADISON COUNTY.

at Madison, Virginia.

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

vs. ↓ At Law No. 101

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

On the 20th of February, 1934, the executors named in the wills of Cora A. Green and W. H. Fray appeared before the Court at Madison, Virginia, after having given notice in writing to Oscar Nicholson, a claimant of the tract of land hereinafter mentioned; and the executors asked leave to and were permitted to file their application for the payment to them of the sum of \$510.00, the award allowed by the Board of Appraisal Commissioners as compensation for said tract of land arising from the condemnation thereof; that the said Board of Appraisal Commissioners referred to the said Oscar Nicholson as a squatter upon said tract;

But the Court, after hearing the evidence, was of opinion that the said Oscar Nicholson was entitled to Tract No. 101, and to the proceeds arising from the condemnation thereof amounting to \$510.00, and that the executors named were entitled to no part of said fund; therefore the relief asked in the petition of the executors was denied by the court.

Enter:

Judge

VIRGINIA: IN THE CIRCUIT COURT OF MADISON COUNTY.

at Madison, Virginia.

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

vs. At Law No. 101

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

Vertical handwritten note on the left margin, partially illegible.

On the 20th of February, 1934, the executors named in the wills of Cora A. Green and W. H. Fray appeared before the Court at Madison, Virginia, after having given notice in writing to Oscar Nicholson, a claimant of the tract of land hereinafter mentioned; and the executors asked leave to and were permitted to file their application for the payment to them of the sum of \$510.00, the award allowed by the Board of Appraisal Commissioners as compensation for said tract of land arising from the condemnation thereof; that the said Board of Appraisal Commissioners referred to the said Oscar Nicholson as a squatter upon said tract;

But the Court, after hearing the evidence, was of opinion that the said Oscar Nicholson was entitled to Tract No. 101, and to the proceeds arising from the condemnation thereof amounting to \$510.00, and that the executors named were entitled to no part of said fund; therefore the relief asked in the petition of the executors was denied by the court.

Oscar Nicholson

Enter:

L. J. J.

Judge

*No copy
Landed
to the
man.*

Change to Oscar Nicholson

*357
11/17*

Georg Nicholson

James Green Anderson

Enter:

File

Judge

executors was denied by the court.

of said fund; therefore the relief asked in the petition of the to \$210.00, and that the executors named were entitled to no part to the proceeds arising from the condemnation thereof amounting that the said Georg Nicholson was entitled to Tract No. 101, and

But the Court, after hearing the evidence, was of opinion tract; are referred to the said Georg Nicholson as a settlor upon said

condemnation thereof; that the said Board of Agricultural Commission- are as compensation for said tract of land arising from the con- \$210.00; the award allowed by the Board of Agricultural Commission-

file their application for the payment to them of the sum of tioned; and the executors asked leave to and were permitted to

Georg Nicholson, a claimant of the tract of land hereinafter men- at Madison, Virginia, after having given notice in writing to lilia of Gora A. Green and W. H. Fry conveyed before the Court On the 30th of February, 1884, the executors named in the

and in Madison County, Virginia, thousand (25,000) acres, more or less of D. F. Anderson and others, and fifty-five

*Not to be mailed
out*
Georg Nicholson
Tract No. 101

LAW ORDER

BOOK 9 PAGE 200

vs. At Law No. 101

The State Commission on Conservation and

PETITIONER

at Madison, Virginia.

VIRGINIA: IN THE CIRCUIT COURT OF MADISON COUNTY.

presented this 17th day of February 1934 by delivering to Oscar Nicholson in Madison County Virginia true copy of the within petition sworn to as well as the notice attached thereto; notifying Oscar Nicholson that a hearing would be had to determine the ownership of the tract of land in the petition mentioned, to be held at the Court House in Madison County, Virginia, on the 20th day of February, 1934, at ten o'clock A. M., at which time and place you should attend and prove your claim, if any you have, to the said fund amounting to \$510.00.

TO OSCAR NICHOLSON:
The Judge of the Circuit Court of Madison County, Virginia, will hear your claim to Tract No. 101, located in the Park Area, and to the proceeds arising from the condemnation thereof, on the 20th day of February, 1934, at Madison, Virginia, at ten o'clock A. M., at which time and place you should attend and prove your claim, if any you have, to the said fund amounting to \$510.00.

The estates of W. H. Fray and Cora A. Green claim the fund arising from the proceeds of the condemnation of said tract. The Court will pass on the question of who is entitled to the fund at the time and place above mentioned.

A copy of the petition claiming the fund filed by the Executors of the respective estates of W. H. Fray and Cora A. Green will be handed to you along with this notice.

Respectfully,

Burrill Miller
Executor of Cora A. Green, dec'd.

C. M. Waite
and

L. J. Bickner
Executors of W. H. Fray, dec'd.

Executed this 17th day of February 1934 by delivering to Oscar Nicholson in person
In Madison County Virginia; a true copy of the within petition sworn to; as well as the
notice attached thereto; notifying Oscar Nicholson that a hearing would be had to
determine the ownership of the tract of land in the petition mentioned; or proceeds a
arising from the condemnation thereof; on the 20 of February; 1934;
at Madison; Virginia

[Handwritten signature]
[Handwritten signature] *Wm*

amounting to \$210.00.
The estates of W. H. Fry and Cora A. Green claim the
fund arising from the proceeds of the condemnation of said tract.
The Court will pass on the question of who is entitled to the
fund at the time and place above mentioned.
A copy of the petition claiming the fund filed by the
executors of the respective estates of W. H. Fry and Cora A.
Green will be handed to you along with this notice.

Respectfully,

[Handwritten signature]
Executor of Cora A. Green, dec'd.

[Handwritten signature]
and

[Handwritten signature]
Executors of W. H. Fry, dec'd.

VIRGINIA: IN THE CIRCUIT COURT OF MADISON COUNTY.

at Madison, Virginia.

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

vs. ↓ At Law No. 101

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

On the 20th of February, 1934, the executors named in the
wills of Cora A. Green and W. H. Fray appeared before the Court
at Madison, Virginia, after having given notice in writing to
Oscar Nicholson, a claimant of the tract of land hereinafter men-
tioned; and the executors asked leave to and were permitted to
file their application for the payment to them of the sum of
\$510.00, the award allowed by the Board of Appraisal Commission-
ers as compensation for said tract of land arising from the con-
demnation thereof; that the said Board of Appraisal Commission-
ers referred to the said Oscar Nicholson as a squatter upon said
tract;

But the Court, after hearing the evidence, was of opinion
that the said Oscar Nicholson was entitled to Tract No. 101, and
to the proceeds arising from the condemnation thereof amounting
to \$510.00, and that the executors named were entitled to no part
of said fund; therefore the relief asked in the petition of the
executors was denied by the court.

Enter:

Judge

VIRGINIA: IN THE CIRCUIT COURT OF MADISON COUNTY.

at Madison, Virginia.

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

vs. ↓ At Law No. 101

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

Vertical handwritten note on the left margin, partially illegible.

Vertical stamp on the right margin: BOOK 2, JANUARY 1934, 101

On the 20th of February, 1934, the executors named in the wills of Cora A. Green and W. H. Fray appeared before the Court at Madison, Virginia, after having given notice in writing to Oscar Nicholson, a claimant of the tract of land hereinafter mentioned; and the executors asked leave to and were permitted to file their application for the payment to them of the sum of \$510.00, the award allowed by the Board of Appraisal Commissioners as compensation for said tract of land arising from the condemnation thereof; that the said Board of Appraisal Commissioners referred to the said Oscar Nicholson as a squatter upon said tract;

But the Court, after hearing the evidence, was of opinion that the said Oscar Nicholson was entitled to Tract No. 101, and to the proceeds arising from the condemnation thereof amounting to \$510.00, and that the executors named were entitled to no part of said fund; therefore the relief asked in the petition of the executors was denied by the court.

Oscar Nicholson

Handwritten note in bottom left corner: No copy signed to the man.

Enter:

Handwritten signature of the judge.

Judge

Handwritten note at the bottom: Change to Oscar Nicholson

*357
11/17*

Georg Nicholson

James Green Anderson

Enter:

File

Judge

executors was denied by the court.

of said fund; therefore the relief asked in the petition of the to \$210.00, and that the executors named were entitled to no part to the proceeds arising from the condemnation thereof amounting that the said Georg Nicholson was entitled to Tract No. 101, and

But the Court, after hearing the evidence, was of opinion tract; are referred to the said Georg Nicholson as a settlor upon said

condemnation thereof; that the said Board of Agricultural Commission- are as compensation for said tract of land arising from the con- \$210.00; the award allowed by the Board of Agricultural Commission-

file their application for the payment to them of the sum of tioned; and the executors asked leave to and were permitted to

Georg Nicholson, a claimant of the tract of land hereinafter men- of Madison, Virginia, after having given notice in writing to lilia of Cois A. Green and W. H. Fry conveyed before the Court On the 30th of February, 1884, the executors named in the

and in Madison County, Virginia, thousand (25,000) acres, more or less of D. F. Anderson and others, and fifty-five

*Not to be mailed
out*
Georg Nicholson
Tract No. 101

LAW ORDER

BOOK 9 PAGE 200

vs. At Law No. 101

The State Commission on Conservation and

PETITIONER

of Madison, Virginia.

VIRGINIA: IN THE CIRCUIT COURT OF MADISON COUNTY.

presented this 17th day of February 1934 by delivering to Oscar Nicholson in Madison County Virginia true copy of the within petition sworn to as well as the notice attached thereto; notifying Oscar Nicholson that a hearing would be had to determine the ownership of the tract of land in the petition mentioned, to be held at the Court House in Madison County, Virginia, on the 20th day of February, 1934, at ten o'clock A. M., at which time and place you should attend and prove your claim, if any you have, to the said fund amounting to \$510.00.

TO OSCAR NICHOLSON:
The Judge of the Circuit Court of Madison County, Virginia, will hear your claim to Tract No. 101, located in the Park Area, and to the proceeds arising from the condemnation thereof, on the 20th day of February, 1934, at Madison, Virginia, at ten o'clock A. M., at which time and place you should attend and prove your claim, if any you have, to the said fund amounting to \$510.00.

The estates of W. H. Fray and Cora A. Green claim the fund arising from the proceeds of the condemnation of said tract. The Court will pass on the question of who is entitled to the fund at the time and place above mentioned.

A copy of the petition claiming the fund filed by the Executors of the respective estates of W. H. Fray and Cora A. Green will be handed to you along with this notice.

Respectfully,

Burrill Miller
Executor of Cora A. Green, dec'd.

C. M. Waite
and

L. J. Bickel
Executors of W. H. Fray, dec'd.

Executed this 17th day of February 1934 by delivering to Oscar Nicholson in person
In Madison County Virginia; a true copy of the within petition sworn to; as well as the
notice attached thereto; notifying Oscar Nicholson that a hearing would be had to
determine the ownership of the tract of land in the petition mentioned; or proceeds a
arising from the condemnation thereof; on the 20 of February; 1934;
at Madison; Virginia

W. H. Green
Spencer of Madison Co Va

amounting to \$210.00.
The estates of W. H. Gray and Cora A. Green claim the
fund arising from the proceeds of the condemnation of said tract.
The Court will pass on the question of who is entitled to the
fund at the time and place above mentioned.
A copy of the petition claiming the fund filed by the
executors of the respective estates of W. H. Gray and Cora A.
Green will be handed to you along with this notice.

Respectfully,

W. H. Green

Executor of Cora A. Green, dec'd.

C. W. White

and
L. J. Barber

Executors of W. H. Gray, dec'd.

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 16th day of April, 1934, came Oscar Nicholson, owner of Tract No. 101 and on his motion, leave is given him to file his application for the payment of \$510.00, the amount of the award set out in the judgment of condemnation for Tract No. 101 and heretofore paid into Court. And it appearing from the report of the Board of Appraisal Commissioners heretofore filed in this cause and in the petition for judgment and condemnation entered herein on the _____ day of December, 1933, that, in the opinion of petitioner the said Oscar Nicholson is invested with a superior or better right or claim of title in and to the said tract of land No. 101, 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. 101 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. 101 except as herein provided. And it further appearing to the Court that all taxes due or payable upon said Tract No. 101 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 \$510.00, paid into Court as just compensation for Tract No. 101 be paid out and distributed as follows:

(1) To B.S. Utz, Tress. Madison, Virginia, taxes	16.69
(2) To N.G. Payne, Atty. Madison, Virginia, fee and costs	12.00
(3) To E.H. DeJarnette, Atty. Orange, Va. fee	25.00
(4) To J.M. Jenkins, Nethers, Va. bond and int.	106.52
(5) To J.M. Jenkins, Nethers, Va. bond and int.	145.37
(6) To N.G. Payne, atty. Madison, Va. for Park Donation	50.00
(7) To Oscar Nicholson, Oldrag, Virginia, balance	154.42

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 the said sum as above provided, the items above set forth aggregating the award set out in the judgment of condemnation for Tract No. 101, taking from the 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 required by law.

De Jarmille

State Commission on Conservation and Development -

(Order for the Distribution
Vs
of the award - Tract No. 101

D.F. Anderson and others -

Enter - *D.F.A.* Judge

required by law.
such payment to the Clerk of this Court for appropriate entry thereof as
in the judgment of condemnation for Tract No. 101, taking from the parties
as above provided, the items above set forth aggregating the award set out
And the Clerk of this Court is directed to transmit a certified copy of
(7) To Oscar Nicholson, Gibran, Virginia, balance 154.48
(8) To N.E. Payne, Atty. Madison, Va. for Park Donation 60.00
(9) To J.M. Jenkins, Neppers, Va. bond and int. 142.35
(10) To J.M. Jenkins, Neppers, Va. bond and int. 166.63
(11) To E.H. Delarquette, Atty. Orange, Va. fee 32.00
(12) To N.E. Payne, Atty. Madison, Virginia, fee and costs 12.00
(13) To B.S. Utz, Treas. Madison, Virginia, taxes 16.00

as follows:

Court as just compensation for Tract No. 101 be paid out and distributed
considered and ordered by the Court that the said sum of \$210.00, paid into
except for the years 1931, 1932 and 1933, upon consideration whereof, it is
Court that all taxes due or payable upon said Tract No. 101 have been paid
Tract No. 101 except as herein provided. And it further appearing to the
entitled to receive the proceeds arising from the condemnation of said
or to the proceeds arising from the condemnation thereof, and is therefore

by any party or person in interest in the title to said tract No. 101
and that the record of this cause does not disclose any denial of rights
of the claim of title in and to the said tract of land No. 101,
petitioner the said Oscar Nicholson is invested with a superior or
of the said Oscar Nicholson in the year of December, 1933, that, in his opinion
of the case and in the petition for judgment and condemnation
of the Board of Appraisal Commission hereo-
of the report of the Board of Appraisal Commission hereo-
for Tract No. 101 and heretofore paid into Court. And it
of the amount of \$210.00, the amount of the award set out in the judgment

LAW ORDER
BOOK 9 PAGE 222

Tract No. 101 and on his motion, leave is given him to file his application
On this, the 15th day of April, 1934, came Oscar Nicholson, owner of
land in Madison County, Virginia,
D.F. Anderson and others; and \$2,000 acres of
Defendants -

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

In the Circuit Court of Madison County, Virginia:

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. 101 : 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. 101 \$ 510.00 ; on Tract No. _____ \$ _____ ; on Tract No. _____ \$ _____ ;

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

Oscar Nicholson - The report of the Board of Appraisal Commissioners shows that this tract is within the exterior boundary of the Fray and Green Tract -

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:—

The undersigned claims the entire fee simple interest in said land and in the award for \$510.00 -

The undersigned has been in adverse possession of this 11 acres of land for the past 27 years, or longer -

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:

There is due J. M. Jenkins \$100.00, with interest from March 15th 1933 - See deed of trust book 7, page 442; and also there is due the said J. M. Jenkins the sum of \$140.00 with interest from August 26th 1933 - See deed of trust book 8, page 35 -

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. 101 \$ 510.00: Tract No. _____ \$ _____ : Tract No. _____ \$ _____ ;

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

	NAME	P. O. ADDRESS
Witness	<u>Oscar Nicholson</u>	<u>Oldrag, Virginia -</u>
	_____	_____
	<u>N.G. 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.

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

This day came Oscar Nicholson, claimant of Tract No. 101,
by counsel, and it appearing to the court that on the 16th
day of April, 1934, on the application of Oscar Nicholson,
claimant of Tract No. 101, there was entered an order for the
distribution of the award for said tract, and that out of said
award there was paid to N. G. Payne, attorney, Madison, Va.,
the sum of fifty dollars for park donation; and,

It further appearing that the said Oscar Nicholson
objects to the deduction of the said amount from the said
award, and denies that he ever pledged himself to contribute
said amount; and it not appearing to the satisfaction of the
court that the amount of the alleged donation should be deduct-
ed from the said award over the objection of the said Oscar
Nicholson, or that the said alleged contribution constituted an
enforceable lien on said tract or the proceeds arising from
its condemnation.

Therefore the court doth adjudge, order and decree that
the said N. G. Payne, attorney, pay to E. H. DeJarnette, the
attorney of record for the said Oscar Nicholson, the said sum
of fifty dollars heretofore paid him in this cause.

Paid

State Commission on Conservation and 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 -
Defendant

Seen and consented to:

A. P. [Signature]

Counsel for the State Commission on Conservation and Development of the State of Virginia.

*Enter
J. H.*

LAW ORDER

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