

Plot

County: Madison
District: Roberson

Claimant #5 - Nicholson, Rast.

Acreage Found: 37 Assessed 10 Deed 10 A.

Location: Hannah Run to Rappahannock - Madison county line.

Incumbrances, counter claims or laps: None known.

Soil: Light loam; full of rocks and steep western exposure.

Roads: Twenty-three miles of rough mountain and dirt country road to Culpeper.

History of tract and condition of timber: Nearly all cleared land. Spots of brush and a fringe of brush with a few trees along the stream. One corner is woodland used for firewood.

Improvements: Log house: 15x22', fair condition.
Barn: Log, 14x19'-12x16', poor condition.
Corn house: Log, 6x11x6'.
Log building: 12x7'.
Hen house: Log, 16x19x5', fair condition.
Orchard: 5 apple trees.
Cellar:

Total value of improvements -- \$275.00.

Value of land by types:

Type	Acreage	Value per acre	Total Value
Fc	33	\$10.00	\$330.00
Slope	4	\$ 2.50	\$ 10.00
	<u>37</u>		<u>\$340.00.</u>

Summary:

Total value of land. \$340.00
Total value of improvements. \$275.00
Total value of tract. \$615.00.

Claim of Rast 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 Rast 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 52 acres, on which there are the following buildings and improvements: 1 dwelling house 1-2 fire Barn, good Keller Corn House 1 poultry house with scratch shed

This land is located about 3 miles from Nethers Virginia, in the Palmetto 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 Nathan Jensen
South Arnold Nicholson
East Tommy Nicholson
West Arnold Nicholson

I acquired my right, title, estate or interest to this property about the year 1911 in the following manner:
by securing deed from Arnold Nicholson

I claim that the total value of this tract or parcel of land with the improvements thereon is \$700.00. 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.

Rast Nicholson

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

The undersigned hereby certifies that Rast 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 17th day of July, 1930.

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

Handwritten notes on the left margin:
To be returned to
Rast Nicholson
17th July 1930

Handwritten note at bottom left:
H. P. Rider
Witness to mark

Claim of _____
in the Circuit Court of _____ County, Virginia, No. _____ At Law.
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. _____

more or less of land in _____ 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 _____ County, Virginia, asks leave of the Court to file this as his answer to said petition and to said notice.

My name is _____
My Post Office Address is _____

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about _____ acres, on which there are the following things and improvements: _____
The land is located about _____ miles from _____ Virginia, in _____ 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, 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 _____
South _____
East _____
West _____

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

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

STATE OF VIRGINIA, COUNTY OF _____ 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 _____ day of _____ 1930.

Notary Public or Justice of the Peace
Clerk of the Court or Special Investigator or

Paul W. Nicholson
Filed July 18-1930
Seal: Attorney

Paul W. 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. 5 : 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. 5 \$ 615.00 ; 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;

Rast 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, Rast Nicholson, to give 2 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. 5 \$ 3.00 : 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

Orlath 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 1/9/34

Justice! W. H. ...

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. 32
D. K. 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 of petitioner has been entered in this proceeding conforming to the use of the
petitioner the fee simple estate in the tract(s) of land numbered as follows: Tract No. 5
Tract No. ...
and described in the report of the Board of Appraisal Commissioners appointed herein and shows, sum-
marily, and delineated on the County Ownership Map filed herewith, upon payment into the custody of
the Court of the sum(s) set out in the said judgment as constituting the award(s) for the tract(s) of land
Award on Tract No. 5 \$215.00; on 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 distributive shares of condemnation awards in the Shenandoah National Park condemnation proceedings pending in the Circuit Courts of Virginia, by reason of contracts and agreements entered into with the owners of lands sought to be condemned in these proceedings, and that the within claim is just and correct.

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

Charles F. Good
Notary Public

NOTARY PUBLIC
My Commission Expires Sep. 8, 1934



The undersigned further says (s) that: (Leave this space blank unless there is some other party
not named to be brought specially to the attention of the court.)
Tract No. ...
Tract No. ...
Tract No. ...

NAME
P. O. ADDRESS
STATE COMMISSION ON CONSERVATION & DEVELOPMENT
EX-100

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 make changes 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:

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 17th day of January, 1934, came Erastus Nicholson, also known as Rast Nicholson, and on his motion, leave is given him to file his application for the payment of \$615.00, the amount of the award set out in the judgment of condemnation for Tract No. 5 and hertofore paid into Court. And it appearing from the report of the Board of Appraisal Commissioners hertofore filed in this cause, and in the petition for condemnation entered herein on the 4 day of December, 1933, that, in the opinion of petitioner the said Erastus Nicholson is invested with a superior or better right or claim of title in and to the said Tract No. 5, or to the proceeds arising from the condemnation thereof except as herein-after provided, and it further appearing to the Court that all taxes due or payable upon said Tract No. 5 have been paid except for for the years, 1930, 1931, 1932 and 1933. Upon consideration whereof, it is considered and ordered by the Court that the said sum of \$615.00, paid into Court as just compensation for said Tract No. 5, be paid out and distributed as follows:

- (1) To A.H. Cave, Clerk, Madison, Virginia, the sum of \$7.20
- (2) To B.S. Utz, Treas., Madison, Virginia, the sum of \$1.29
- (3) To N.G. Payne, Madison, Virginia, the sum of \$19.00
- (4) To N.G. Payne, Madison, Virginia, fee and costs, the sum of \$12.00
- (5) To Rast Nicholson, Nethers, Virginia, the sum of \$57⁽⁵⁷²⁾ 51
- (6) To N.G. Payne, attorney honorarium (Peak) \$3⁰⁰

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 out aggregating the award set out in the judgment of condemnation for Tract No. 5, 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 as prescribed by law.

Enter.

Judge -

M. G. P.

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

(Order for Distribution of VS (the award - Tract No; 5 -

D. F. Anderson and others -

Enter.

[Signature]
Judge

LAW ORDER

BOOK 9 PAGE 98

[Handwritten signature]

... or payable upon said Tract No. 5 have been paid except for the taxes, ...
... to the proceeds arising from the condemnation thereof except as herein-
... of petitioner said Erastus Nicholson is invested with a
... entered herein on the day of December, 1934, in
... in the petition for
... And appearing from the report of the Board of Appraisals
... out the judgment of condemnation for Tract No. 5 and heretofore paid
... his application for the payment of \$15.00, the amount of the award

... 1930, 1931, 1932 and 1933. Upon consideration whereof, it is considered and
... ordered by the Court that the said sum of \$15.00, paid into Court as just
... compensation for said Tract No. 5, be paid out and distributed as follows:
(1) To A. H. Cave, Clerk, Madison, Virginia, the sum of \$7.20
(2) To B. S. Ute, Treas., Madison, Virginia, the sum of \$1.29
(3) To N. G. Payne, Madison, Virginia, the sum of \$19.00
(4) To N. G. Payne, Madison, Virginia, fee and costs, the sum of \$12.00
(5) To East Nicholson, Kethers, Virginia, the sum of \$574.51
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 a-
... have provided, the items above set out aggregating the award set out in the
... judgment of condemnation for Tract No. 5, 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 as prescribed by

Enter.

Judge -

... also known as East Nicholson, and on his motion, leave is given him to
... On this, the 10th day of January, 1934, came Erastus Nicholson,
... D. F. Anderson and others, and 55,000 acres of
... land in Madison County, Virginia,
... State Commission on Conservation and Development of the State of Virginia,
... in the Circuit Court of Madison County, Virginia:

Petitioner -

Respondents -

This is to certify that there are delinquent taxes of record in my office to the amount of \$ 7.20 . . . against the tract of land owned by . . . Erastus Nicholson which is designated as Tract No. 5 ; 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 13 . day of . . . January . . . , 1934 .

..... *A. H. Care* Clerk..
Circuit Court, Madison County, Virginia
By *Bertha W. Patti* Deputy
Clerk

This is to certify that there are 1933 taxes of record
 in my office to the amount of \$ 1.29 . against the tract of land
 owned by Erastus Nicholson,
 which is
 designated as Tract No. 5 . . ; 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 12th day of .. January .. ., 1934 ..

..... *B. S. White*
 Treasurer, Madison County, Virginia

By Deputy
 Treasurer

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. 5 : 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. 5 \$ 615.00; 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;

Rast 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:—

Rast Nicholson owns a fee simple interest in said award -

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:

N. G. Payne is entitled to the sum of \$19.00 for note of Rast Nicholson and \$12.00 for preparing petition and clerk's costs.

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. 5 \$ 615.00: 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

Rast Nicholson

Nethers, Virginia -

Witness

N.R. Payne

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.