

County: Madison
 District: Roberson

#30 Nicholson, R. V.

Acreage Claimed: Assessed . 20 Deed 20 (1921)

Value Claimed: " \$130 " \$300

Location: Hughes River, Nicholson Hollow. Entirely within the Park area.

Incumbrances, counter claims, or laps: None known.

Soil: Sandy loam slope type of a fair depth and fertility. Scattering loose rock and some outcrops over the entire area.

Roads: 14 miles via dirt road and 10 miles via hard surface to Culpeper, the nearest shipping point.

History of tract and condition of timber: All the merchantable saw timber has been removed from this tract. The remaining stand consists mostly of locust about 400 stakes @ $1\frac{1}{2}¢$ \$6.00

Improvements:

Log House, 17x24, 3 rooms, ceiled walls, fair cond., occupied by tenant, water supply, cellar	225
Log Barn and shed, 14x18x8, 12x10x7, shingle	50
Log wood house, 6x11x7, shingle, fair cond.	10
Log hen house, 9x13x6, shingle, fair cond.	10
Pig pen 7x8, no value	
Log corn crib, 8x12x6, shingle, fair cond.	20
	<u>290</u> (315.00)

Orchard: 12 fruit trees		
5 cherry @ 1.00	\$5.00	
7 peach @ 1.25	8.75	
	<u>13.75</u>	

copy {	<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	28	\$3.00	\$ 84.00
	Tillable	3	12.00	36.00
	<u>31</u>		<u>120.00</u>	

Total value of land	\$120
Total value of improvements	315
Total value of timber	66
Total value of orchard	13.75
Total value of tract	<u>454.75</u>
Average value per acre	14.67

Claim of R. V. 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 _____ County, Virginia, asks leave of the Court to file this as his answer to said petition and to said notice.

My name is R. V. 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 2.0 acres, on which there are the following buildings and improvements: 1 dwelling house, 1 Barn, 1 Corn house, 1 poultry house, 1 wood shed

This land is located about 5 miles from Nethers Virginia, in the Roberts 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 Madison Carbin
South Cristdoss
East Madison Carbin
West Geo. Fallock

I acquired my right, title, estate or interest to this property about the year 1921 in the following manner:
Bought & paid for same

I claim that the total value of this tract or parcel of land with the improvements thereon is \$1000.00. 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 7th day of July, 1930.

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

The undersigned hereby certifies that R. V. 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 7th day of July, 1930.

L. P. Riden
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.

Handwritten note on left margin:
B. P. Nicholson

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 buildings and improvements: _____

This land is located about _____ miles from _____ Virginia, in the _____ 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: _____ North _____

_____ in my right, title, estate or interest to this property about the year _____ in the _____ 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 this tract or parcel of land with the improvements thereon is \$ _____. _____ 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 the value of the land 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.) _____

(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, and things appearing in his above answer are true to the best of his knowledge and belief, this _____ day of _____ 1930.

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

R. W. MacFulton
Rec'd July 17, 1930
2210 1/2 1st Precinct

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. 30 : 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. 30 \$ 529.75; 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;

R. V. 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, R. V. 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. 30 \$ 6.00 : 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 Ernest 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 '19/34

Justice: Arthur Cook

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. 22

D. F. Johnson and others, and Fifty-Five Thousand (55,000) Acres, more or less, of
land in Madison County, Virginia
Comes now the undersigned and shows to the Court:
That a judgment in favor of the petitioners has been entered in this proceeding condemning to the use of the

Petitioners the fee simple estate in the tract(s) of land numbered
Tract No. . . . : Tract No. . . .
STATE OF VIRGINIA)
COUNTY OF WARREN) SS

and described in the report of the Board of Appraisers appointed herein and shown, that
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.

Charles F. Good
NOTARY PUBLIC Notary Public

My Commission Expires Sep. 8, 1934

Whereas your undersigned party(s) that (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
partition of said land(s) set forth in said judgment in favor of the party(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 party(s) is as follows: Tract No. . . . \$. . . : Tract
No. . . . \$. . . : Tract No. . . . \$. . .
The undersigned further avers(s) that (leave this space blank unless there is some other parti-
cular matter to be brought specially to the attention of the court.)

F. O. ADDRESS
NAME
STATE COMMISSION ON CONSERVATION &
DEVELOPMENT
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 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 de-
sire which meets with the approval of the Court. This blank form only 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 -

Vs

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

Defendants -

On this, the _____ day of January, 1934, came R. V. Nicholson and on his motion, leave is given him to file his application for the payment of the sum of \$529.75, the amount of the award set out in the judgment of condemnation for Tract No. 30 and heretofore paid into the court, and thereupon K. R. Payne tendered her 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 _____ day of December, 1933, that, in the opinion of the petitioner, the said R. V. Nicholson is invested with a superior or better ^{right or} claim of title in and to the said tract of land No. 30, 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. 30 have been paid except for the year 1933; upon consideration whereof, it is considered and ordered by the Court that the said sum of \$529.75, paid into Court as just compensation for said Tract No. 30, be paid out and distributed as follows:

- (1) To B.S. Utz, Madison, Va. for taxes \$2.39
- (2) To N.G. Payne, atty. Madison, Va. for donation \$6.00
Madison, Va.
- (3) To K.R. Payne, bond and interest \$25.26
- (4) To N.G. Payne, atty, Madison, Va. fee and costs \$12.00
- (5) To R.V. Nicholson, Nethers, Va., the balance \$484.10

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. 30, 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 required by law.

appropriate entry thereof as required by law.

And accordingly such payment to the Clerk of this Court for said parties to whom the fund is payable as aforesaid receipts there set out in the judgment of condemnation for Tract No. 30, taking from fund as above provided, the items above set forth aggregating the award of this order to the Treasurer of Virginia, who shall pay out said

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

(2) To R.V. Nicholson, Nethers, Va., the balance \$484.10

(4) To K.G. Payne, Atty., Madison, Va. fee and costs \$15.00

(3) To K.R. Payne, bond and interest \$52.28

(5) To K.G. Payne, Atty., Madison, Va. for donation \$6.00

(1) To R.S. Utz, Madison, Va. for taxes \$5.30

penal sum for said Tract No. 30, be paid out and distributed as follows: the Court that the said sum of \$829.75, paid into Court as just compensation for said Tract No. 30, be paid out and distributed as follows: Year 1933; upon consideration whereof, it is considered and ordered by due or payable upon said Tract No. 30 have been paid except for the after provided, and it further appearing to the Court that all taxes

Enter this

the proceeds arising from the condemnation thereof except as herein-
better located of title in and to the said tract of land No. 30, or to
petitioner, the said R. V. Nicholson is invested with a superior or
within of the day of December, 1933, that, in the opinion of the
this case, and in the petition for judgment and condemnation entered
report of the Board of Appraisers, Commissioners, heretofore filed in
which answers is hereby accordingly filed, and it appearing from the
court, and heretofore K. R. Payne tendered her answer to said petition,
judgment of condemnation for Tract No. 30 and heretofore paid into the
payment of the sum of \$829.75, the amount of the award set out in the
on his motion, leave is given him to file his application for the

State Commission on Conservation and Development -

(Order for Distribution of
Vs (the award - Tract No. 30

D.F. Anderson and others -

Enter - *[Signature]* Judge

LAW ORDER
BOOK 9 PAGE 147

On this, the ___ day of January, 1934, came R. V. Nicholson and

of land in Madison County, Virginia,
D.F. Anderson and others and 25,000 acres

vs

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

In the Circuit Court of Madison County, Virginia.

Petitioner -

Defendants -

In the Circuit Court of Madison County, Virginia:

The answer of K.R. Payne to a petition filed by R.V. Nicholson in the circuit court of Madison county in the condemnation proceedings of State Commission on Conservation and Development vs D.F. Anderson and others as to Tract No. 30 in the Park Area.

Your respondent for answer to the said petition, answering says:

That it is true that the said R.V. Nicholson did on the 14th day of August, 1928, convey said Tract No. 30 in trust to secure to your respondent the payment of a bond for \$56.62 with interest from date, as set out in the said petition, and that there is a balance due on said bond of \$20.79, with interest from June 14th, 1930. The said bond is due and payable, and your respondent asks that the said bond be paid out of the said award for the said Tract No. 30.

An your respondent will ever pray, etc.

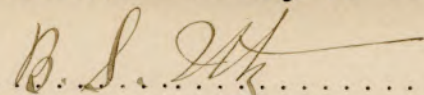
W. G. Payne p.d.

K. R. Payne
Respondent -

This is to certify that there are 1933 taxes of record
in my office to the amount of \$ 2.35 . against the tract of land
owned by ... R. V. Nicholson

..... which is
designated as Tract No. 30 . . ; Tract No. ; Tract No.
on the County Ownership Map filed in my Office in the action
at Law pending in the name and style of the Commission on
Conservation &c., vs. W. D. Anderson, and others.

Given under my hand this 11 . . day of January , 1934 . .

..... 

Treasurer, Madison County, Virginia

By Deputy
Treasurer

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 . . . *R.V. Nicholson* which is designated as Tract No. *30* ; 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* , 193*4*..

A. H. Care Clerk..
Circuit Court, Madison County, Virginia

By *Bertha M. Patten* Deputy
Clerk

In the Circuit Court of Madison County, Virginia:

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

Vs (Petition of R. V. Nicholson, owner of Tract No. 30 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, R. V. Nicholson, respectfully represents:

That he is the owner of Tract No. 30, 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. 30 con-
taining 20 acres, more or less; and,

That on the 14th day of August, 1928, your petitioner conveyed to
N.G. Payne, Trustee, the said tract of land, known as Tract No. 30, in
trust to secure to K.R. Payne the payment of a bond for \$56.62, dated
the 14th day of August, 1928, with interest from date. There is a
balance due on this bond of \$20.79, with interest from June 14th, 1930,
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 \$529.75 as compensation and
damages for the taking thereof as will more fully appear from the re-
port 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 confirmed 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 hertofore entered therein: and

That the petition for the condemnation in these proceedings states that the said R.V.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 on the said tract of land have been paid except for the year 1933. The taxes for the year 1933 amount to the sum of \$2.39.

That your petitioner desires that the sum of \$20.79, with interest from June 14th, 1930, be paid out of the said award, the taxes for 1933 also be paid out of the said award, and the balance thereof paid to your petitioner.

Whereof your petitioner prays that the said K.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 \$529.75 as above indicated; and that your petitioner may have all such further and other 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 -

W. G. Payne Counsel -

R. V. Nicholson Petitioner -