

County: Madison
District: Roberson

Claimant #106 - Smith, O. B. and G. W.

Acreage Found: 277 Assessed 492 Deed 491.8.

Location: U. S. Positions 43-44-45-46-47-48-49-50-51-52.
Part outside the Park Area.

Incumbrances, counter claims or laps: None known.

Soil: Sandy loam of a good depth and fertility. Very rocky in places. Moderate to steep slopes. N. E. and S. E. exposure.

Roads: 6 miles via dirt road to Criglersville, 18 miles to Culpeper over hard surface road.

History of tract and condition of timber: Lumbering operations were started on this tract about three years ago and all timber will be removed.

Improvements: None.

Value of land by types:

| <u>Type</u> | <u>Acreage</u> | <u>Value per acre</u> | <u>Total Value</u> |
|-------------|----------------|-----------------------|--------------------|
| Cove | 75 | \$4.00 | \$300.00 |
| Slope | 201 | \$2.00 | \$402.00 |
| Fc | 1 | \$10.00 | \$10.00 |
| | <u>277</u> | | <u>\$712.00</u> |

Summary:

Total value of land. \$712.00
Total value of tract. \$712.00.

L. W. Farmer, Jr.

County: Madison
District: Roberson

106 Smith, O. B. and G. W.

Acreage claimed: 400A Assessed 492 Deed 491.8
Value claimed: \$4800 " \$1184 " \$1500-1927
Location: U. S. Positions 43-44-45-46-47-48-49-50-51-52 Area: 277 (Partial Survey)
Part outside the Park Area

Incumbrances, counter claims or laps: None Known

Soil: Sandy loam of a good depth and fertility. Very rocky in places. Moderate to steep slopes. N. E. and S. E. exposure

Roads: 6 miles via dirt road to Criglersville, 18 miles to Culpeper over hard surface road.

History of Tract and condition of Timber: Lumbering operations were started on this tract about three years ago and (timber is still being removed) *all timber will be removed.*

Improvements: None

Value of land by types:

| <u>Type</u> | <u>Acreage</u> | <u>Value per acre</u> | <u>Total Value</u> |
|-------------|----------------|-----------------------|--------------------|
| Cove | 75 | \$4.00 | \$300.00 |
| Slope | 201 | 2.00 | 402.00 |
| Tillable | 1 | 8.00 | 8.00 |
| | <u>277</u> | | <u>\$710.00</u> |

Total value of land \$710.00
Total value of tract 710.00
Average value per acre 2.56

Claim of O. B. Smith and G. W. Smith
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. O. B. Smith & G. W. Smith, as Defendants

acres
more or less, of land in Madison County, Virginia, Defendants.
The undersigned, in answer to the petition of the State Commission on Conservation and Development of the State of Virginia, and in response to the notice of condemnation awarded upon the filing of said petition and published in accordance with the order of the Circuit Court of Madison County, Virginia, asks leave of the Court to file this as his answer to said petition and to said notice.

My name is O. B. Smith
My Post Office Address is Sycia, 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 400 acres, on which there are the following buildings and improvements: none

This land is located about 2 miles from Sycia Virginia, in the Roberson Magisterial District of said County.

I claim the following right, title, estate or interest in the tract or parcel of land described above: (In this space claimant should say whether he is sole owner or joint owner, and if joint owner give names of the joint owners. If claimant is not sole or joint owner, he should set out exactly what right, title, estate or interest he has in or to the tract or parcel of land described above).

Joint owners, one half interest, G. W. Smith

The land owners adjacent to the above described tract or parcel of land are as follows:
North J. P. Smith
South G. B. Paulson
East W. E. Coats Jr.
West R. D. Zwogman & G. G. Paulson & Son

I acquired my right, title, estate or interest to this property about the year 1927 in the following manner: Bought at public auction

I claim that the total value of this tract or parcel of land with the improvements thereon is \$4800.00. 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 91 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 12 day of July, 1930.

STATE OF VIRGINIA, COUNTY OF Madison To-wit:

The undersigned hereby certifies that O. B. Smith 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 12 day of July, 1930.

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

Claim of *C. B. Smith vs. B. W. Smith*
in the Circuit Court of *Madison* County, Virginia, No. *134*
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. *C. B. Smith & B. W. Smith*, Defendants.

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 *C. B. Smith*
My Post Office Address is *Madison, Virginia*
I claim right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about *4.00* acres, on which there are the following buildings and improvements: *None*

This land is located about *2* miles from *Spina* the *Madison* Magisterial District of said County. I claim the following right, title, estate or interest in the tract or parcel of land described above: (In this space claimant should say whether he is sole owner or joint owner, and if joint owner give names of the joint owners. If claimant is not sole or joint owner, he should set out exactly what right, title, estate or interest he has in or to the tract or parcel of land described above.) *Part of the land owned by B. W. Smith*

The land owners adjacent to the above described tract or parcel of land are as follows:
North *None*
South *None*
East *None*
West *None*

I acquired my right, title, estate or interest in this property about the year *1927* in the following manner: *Acquired by gift from B. W. Smith*

I claim that the total value of this tract or parcel of land with the improvements thereon is *\$4,000*. 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 *4.00* 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 *12* day of *July*, 1930.
STATE OF VIRGINIA, COUNTY OF *Madison*.
To-wit: *C. B. Smith*
The undersigned hereby certifies that *C. B. Smith* 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 *12* day of *July*, 1930.
Notary Public or Justice of the Peace
Clerk of the Court or Special Magistrate

Filed July 12, 1930
Taken: A. H. Carr, Clerk

C. B. Smith

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. 106 :

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. _____ \$ _____; 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;

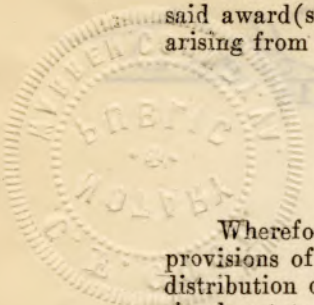
- O. B. Smith
G. W. Smith

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 owners, O. B. Smith and G. W. Smith, to give 5 acres of their 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. 106 \$ 10.00 : 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 AND DEVELOPMENT
BY Robert 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

Justi: *Chas F Good*

Notary Public

STATE OF VIRGINIA)
COUNTY OF WARREN)

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.

Chas F Good

NOTARY PUBLIC Notary Public

My Commission Expires Sep. 8, 1934



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

STATE COMMISSION ON CONSERVATION AND DEVELOPMENT
BY *Robert H. ...*

Note—A supply of this blank form has been placed in the Clerk's office for the convenience of interested parties. No fee is required to use this form, as the form is not prescribed by law, and claimants and other persons may use it as they deem necessary, or present it to the court in any form they may desire. This blank form may not be used for any other purpose than that for which it was prepared. The blank form may not be used for any other purpose than that for which it was prepared. The blank form may not be used for any other purpose than that for which it was prepared.

VIRGINIA. IN THE CIRCUIT COURT OF MADISON COUNTY.

The State Commission on Conservation
& Development of the State of Virginia, Petitioner,

v.

D. F. Anderson, et als, defendants.

In Re: Distribution of proceeds of condemnation for Tract No.106.

This day came the State Commission on Conservation & Development, by counsel, and moved the Court to enter an order directing the Treasurer of the State of Virginia, to pay to it, out of the proceeds of condemnation of Tract No. 106, the sum of \$10.00 representing the amount of a certain pledge made by O. B. and G. W. Smith, who claimed to be the owner of said tract, to said State Commission on Conservation & Development, as a contribution for the establishment of Shenandoah National Park and in support of its said motion, the said Commission exhibited to the Court, its motion in writing setting forth all the facts in relation thereto, which has been heretofore filed herein.

Upon consideration whereof, it appearing to the Court, that the claim of said Commission, is not based upon any lien, either on the land condemned, or on the proceeds of condemnation and that said Commission has failed to obtain the consent of the parties entitled to the proceeds of condemnation, to the payment of its claim, it is accordingly adjudged and ordered that the motion of the Commission for the payment of said claim out of the proceeds of condemnation for said tract, be and the same is hereby denied.

*Enter
JSS*

VIRGINIA. IN THE CIRCUIT COURT OF MADISON COUNTY.

The State Commission on Conservation
& Development of the State of Virginia, Petitioner,

v.

E. F. Anderson, et alia, Defendants.

In Re: Distribution of proceeds of condemnation for Tract No. 106.

This day came the State Commission on Conservation
& Development, by counsel, and moved the Court to enter an order
directing the Treasurer of the State of Virginia, to pay out of
out of the proceeds of condemnation of Tract No. 106, the sum of
\$10.00 representing the amount of a certain pledge made by G. B.
and G. W. Smith, who claimed to be the owner of said tract, to
said State Commission on Conservation & Development, as a contri-
bution for the establishment of Shenandoah National Park and in sup-
port of its said motion, the said Commission exhibited to the

thereto, which has been heretofore filed herein.

Upon consideration whereof, it appearing to the Court
that the claim of said Commission, is not based upon any claim either
on the land condemned, or on the proceeds of condemnation and that
said Commission has failed to obtain the consent of the parties
entitled to the proceeds of condemnation, to the payment of the
claim, it is accordingly adjudged and ordered that the motion
Commission for the payment of said claim out of the proceeds of con-
demnation for said tract, be and the same is hereby denied.

BOOK 9
PAGE 1363 A 364
LAW ORDER

[Handwritten signature]

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 7th day of May, 1934, came O.B. Smith and G.W. Smith and on their motion, leave is given them to file their application for the payment of the sum of \$1400.00, the amount of the award set out in the judgment of condemnation for tract No. 106 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 O.B. Smith and G.W. Smith are invested with a superior or better right or claim of title in and to the said tract No. 106, 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. 106, 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. 106 except as herein provided, and it further appearing to the Court that all taxes due or payable upon said tract No. 106 have been paid except for the year 1933. Upon further consideration whereof, it is considered and ordered by the Court that the sum of ~~#####~~ \$1400.00, paid into Court as just compensation for said tract No. 106, be paid out and distributed as follows:

| | |
|---|----------|
| (1) To B.S. Utz, Treas. Madison, Virginia, taxes for 1933 | \$ 14.09 |
| (2) To N.G. Payne, atty. Madison, Virginia, fee and costs | 12.00 |
| (3) To E.A. Carpenter & N.G. Payne, attys. Madison, Va. balance | 1373.91 |

And the Clerk of this Court is directed to transmit a certified copy of this order to the Treasurer of Virginia, who shall pay out said fund as above provided, the items set forth aggregating the award set out in the judgment of condemnation for tract No. 106, 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.

of as provided by law.

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

- (3) To E. V. Carpenter & N. G. Payne, Attys. Madison, Va. balance 1873.91
- (2) To N. G. Payne, Atty. Madison, Virginia, fee and costs 12.00
- (1) To B. S. Pitts, Treas. Madison, Virginia, taxes for 1933 \$ 14.00

and distributed as follows:

paid into Court as just compensation for said tract No. 106, be paid out is considered and ordered by the Court that the sum of \$1100.00, been paid except for the year 1933. Upon further consideration whereof, it to the Court that all taxes due or payable upon said tract No. 106 have of said tract No. 106 except as herein provided, and if further appearing therefore entitled to receive the proceeds arising from the condemnation

No. 106; or to the proceeds arising from the condemnation thereof, and its dispute by any party or person in interest as to the title to said tract No. 106, and that the record of this cause does not disclose any denial or superior or better right or claim of title in and to the said tract No. 106, and that the said O. B. Smith and G. W. Smith are investors in the condemnation entered herein on the _____ day of December, 1933, that the State Commission on Conservation and Development -
 (Order for the Distribution
 of the award - Tract No.
 106 -
 Vs.
 D. F. Anderson and others -
 Enter _____ Judge

LAW ORDER

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on their motion, leave is given them to file their application for the

On this, the Yth day of MAY, 1934, came O. B. Smith and G. W. Smith and
 land in Madison County, Virginia,
 D. F. Anderson and others, and \$25,000 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. 106 : 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. 106 \$ 1400.00, 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;

O. B. Smith and G. W. Smith -

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

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

Your undersigned claims the entire fee simple interest in said land, and the entire award of \$1400.00 -

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:

None -
The State Commission on Conservation and Development has filed a claim for \$10.00 on this tract for a donation, but the same is an error. The donation was on another tract, not taken by the park -

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. 106 \$ 1400.00: 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)

All of the taxes have been paid on the land up to and including the year 1933 -

| NAME | P. O. ADDRESS |
|--------------------|--------------------------|
| <u>O. B. Smith</u> | <u>Syria, Virginia -</u> |
| <u>G. W. Smith</u> | <u>Syria, Virginia -</u> |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

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