

County: Madison  
District : Roberson

Claimant #64 - Smith, O. F. & H. Lillard.

Acreage Found: 22                      Assessed 19

Location: North side of the Old Rag Mt. Entirely within the Park Area.

Incumbrances, counter claims, or laps: None known.

Soil: Sandy loam. Slope type of a fair depth and fertility. Some loose rock and outcrops over the entire area.

Roads: 12 miles via dirt road and 10 miles of hard surface road to Culpeper.

History of tract and condition of timber: This tract has been badly damaged by a recent severe burn. There is about 24M ft. of saw timber given a nominal value of \$1.00 per M.

Improvements: None.

Value of land by types:

<u>Type</u>	<u>Acreage</u>	<u>Value per acre</u>	<u>Total Value</u>
Slope	22	\$2.50	\$55.00

Summary:

Total value of land.	\$55.00
Total value of timber	\$24.00
Total value of tract.	<u>\$79.00.</u>

*L. W. Farmer, Sec.*

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County: Madison  
District: Roberson

# 64 Smith, O.F. & H. Lillard

Acreage Claimed: Assessed 19 Deed No data

Value Claimed: " \$ 57.00 " " "

Location: North side of the Old Rag Mt. Entirely within the Park Area.  
Area: -22 A. (By actual survey)

Incumbrances, counter claims, or laps: None known

Soil: Sandy loam. Slope type of a fair depth and fertility. Some loose rock and outcrops over the entire area.

Road: 12 miles via dirt road and 10 miles of Hard surface road to Culpeper.

History of tract and condition of timber: This tract has been badly damaged by a recent severe burn. There is about 24M ft. of saw timber (@ 75¢ = 18.00) *given a nominal value of \$1.00 per M.*

Improvements: None

<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	22	1.00	\$22.00
Total value of land		\$22.00	
Total value of timber		18.00	
Total value of tract		40.00	
Average value per acre		1.82	



Claim of Allen Y Lillard  
In the Circuit Court of Madison Pa County, Virginia, No. 82, At Law.  
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. W D Anderson et al

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 Allen Y Lillard  
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 19 acres, on which there are the following buildings and improvements: No Buildings

This land is located about 1 1/2 miles from Nethers Virginia, in the Robertson Magisterial District of said County.

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

No interest appears

The land owners adjacent to the above described tract or parcel of land are as follows:

- North Christadorg
- South J. N. x R. R. Jenkins
- East Christadorg
- West A. Quain Nancy

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

from father Esbaty - Columbus Lillard and have pay Taxes on same since for 30 years

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 190<sup>xx</sup>. 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 \$ 190<sup>xx</sup>.

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: Tract 64 Title in A Lillard & B.F. Smith

(Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 15<sup>th</sup> day of April, 1930. Allen Y Lillard

STATE OF VIRGINIA, COUNTY OF \_\_\_\_\_, To-wit:

The undersigned hereby certifies that Allen Y Lillard 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 15<sup>th</sup> day of April, 1930.

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



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

Vs.

Allen Y. Lillard

Filed April 16, 1931

Teste:

A. H. Case

Clerk.

Notary Public or Justice of the Peace  
Glebe of the Court or Special Investigator or  
To-wit:

this 15th day of April, 1931  
and things appearing in his above answer are true to the best of his knowledge and belief,  
The undersigned hereby certifies that Allen Y. Lillard  
STATE OF VIRGINIA, COUNTY OF  
of April 1931  
Witness my signature (or my name and mark attached hereto) this 15th day  
(Continue remarks if necessary on the back).

Remarks: Tract on title of A. Y. Lillard & D. F. Lillard  
description of the tract or parcel of land by metes and bounds.

this claim which claimant desires to make; and if practicable he should also insert here a  
(In the space below should be set out any additional statements or information as to  
based condemnation of lands within the Park area, to the extent of \$

parcel of land not lying outside the Park area, which I claim will be damaged by the pro-  
I am the owner of \_\_\_\_\_ acres of land adjoining the above described tract or

in and to this tract or parcel of land with the improvements thereon is \$ 100  
on is \$ 100

I claim that the total value of this tract or parcel of land with the improvements there-  
on is \$ 100

and if joint owner give names of the joint owners. If claimant is not sole or joint owner,  
scribed above: (In the space below should be set out any additional statements or information as to  
I claim the following right, title, estate or interest in the tract or parcel of land de-  
the \_\_\_\_\_ District of said County.

he should set out exactly what right, title, estate or interest he has in or to the tract or  
parcel of land described above).

West \_\_\_\_\_  
East \_\_\_\_\_  
South \_\_\_\_\_  
North \_\_\_\_\_

The land owners adjacent to the above described tract or parcel of land are as follows:

\_\_\_\_\_ Virginia in

\_\_\_\_\_ miles from \_\_\_\_\_

\_\_\_\_\_ Virginia in

\_\_\_\_\_ miles from \_\_\_\_\_

\_\_\_\_\_ Virginia in

\_\_\_\_\_ miles from \_\_\_\_\_

\_\_\_\_\_ Virginia in

\_\_\_\_\_ miles from \_\_\_\_\_

\_\_\_\_\_ Virginia in

\_\_\_\_\_ miles from \_\_\_\_\_

\_\_\_\_\_ Virginia in

\_\_\_\_\_ miles from \_\_\_\_\_

\_\_\_\_\_ Virginia in

\_\_\_\_\_ miles from \_\_\_\_\_

\_\_\_\_\_ Virginia in



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. 64 : 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. 64 \$ 79.00; 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;

- Allan Y. Lillard
H. Lillard
B. F. Smith
Columbus Lillard Estate

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. F. Smith & H. Lillard 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. 64 \$ 5.00 : 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.



Filed 1/9/34

Notary Public

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

DEPENDANTS

That a judgment in rem has heretofore been entered in this proceeding...

STATE OF VIRGINIA )  
COUNTY OF WARREN ) SS

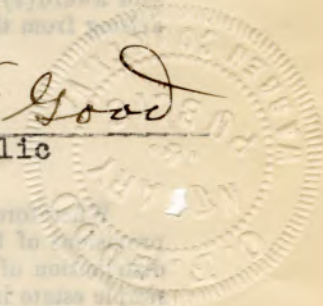
Personally appeared before me the undersigned Notary Public in my said State and County, E.K. Stokes, who being duly sworn, deposed and said that she is an employee of the State Commission on Conservation and Development in immediate charge of the records of the Shenandoah National Park Division thereof 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



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STATE COMMISSION ON CONSERVATION & DEVELOPMENT

NAME P. O. ADDRESS

STATE COMMISSION ON CONSERVATION & DEVELOPMENT

BY *Charles F. Good*

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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. 64.

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. 64, the sum of \$5.00, representing the amount of a certain pledge made by O. F. Smith and H. Lillard, who claimed to be the owners 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.



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Commissioner of the State of New York in and to the said State of New York, do hereby certify that the said State of New York is indebted to the said State of New York for the sum of one hundred and fifty thousand dollars, and that the said State of New York is authorized to issue bonds to the amount of one hundred and fifty thousand dollars to pay the same.

Witness my hand and the seal of the said State of New York, at Albany, this 1st day of January, 1900.

JOHN W. ALBANY, Governor of the State of New York.

JOHN W. ALBANY, Governor of the State of New York.

JOHN W. ALBANY, Governor of the State of New York.

LAW ORDER  
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In the Circuit Court of Madison County, Virginia:

State Commission on Conservation and Development

Petitioner -

Vs

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

Defendants -

On this, the 31 st day of May, 1935, came A.Y. Lillard representing the heirs at law of the late Howard Lillard and on his motion, leave is given him to file his application for the payment of the sum of \$79.00, the amount of the award set out in the judgment of condemnation for Tract No. 64 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 blind day of December, 1933, that in the opinion of petitioner the heirs at law of the late Howard Lillard and the heirs at law of the late B.F. Smith are invested with a superior or better right or claim of title in and to the said Tract No. 64, or to the proceeds arising from the condemnation thereof, and are therefore entitled to receive the proceeds arising from the condemnation of said Tract No. 64. And it further appearing to the Court that the heirs at law of the late B. F. Smith cannot all be found, it is ordered that their interest in said award be paid to the General Receiver of the Circuit Court for Madison County. And it further appearing to the Court that all taxes due or payable upon said Tract No. 64 have been paid except as hereinafter set forth. Upon consideration whereof it is considered and ordered by the Court that the said sum of \$79.00, paid into Court as just compensation for said Tract No. 64, be paid out and distributed as follows:

- |   |         |
|---|---------|
| (1) To A.H. Cave, Clerk, Madison, Va. Costs   | \$ 2.00 |
| (2) To A.H. Cave, Clerk, Madison, Va. delinquent taxes  | 9.19    |
| (3) To B.S. Utz, Treas. Madison, Va. taxes  | 1.11    |
| (4) To N.G. Payne, Attorney, Madison, Va. fee   | 10.00   |
| (5) To N.G. Payne, General Receiver of the Circuit Court for Madison County, Madison, Va. for the heirs of B.F. Smith | 28.35   |
| (6) To N.G. Payne, Attorney for the widow and heirs of Columbus Lillard, Madison, Va.                                 | 28.35   |



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. 64, 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.

State Commission on Conservation and Development

(Order for Distribution of the award - Tract No. 64 -

D. N. Anderson and others -

Entry -

Judge -

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LAW ORDERS



State Commission on Conserva-  
tion and Development

(Order for Distribution of  
Vs  
(the award - Tract No. 64 -

D.F.Anderson and others -

Enter -

*[Handwritten signature]*  
\_\_\_\_\_

Judge -

*P'd-*

LAW ORDER

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private entry thereof as provided by law.  
for, and certifying such payment to the Clerk of this Court for appro-  
said parties to whom the fund is payable as aforesaid receipts there-  
set out in the judgment of condemnation for Tract No. 64, taking from  
said fund as above provided, the items set forth aggregating the award  
copy of this order to the Treasurer of Virginia, who shall pay out  
And the Clerk of this Court is directed to transmit a certified