

County: Madison
District: Robinson

Claimant #134 - Spitler, S. H. & B. H.

Acreage Found: 110

Location: Top of Blue Ridge, north of Gordonsville Pike. In Madison and Page Counties.

Incumbrances, counter claims or laps: None known.

Soil: Sandy loam of good depth and fertility with loose rock in some places and rock outcrops in a few places. First class grazing is smooth with gentle to moderate slopes, little rock and very few weeds. The sod is very good with a high percentage of blue-grass. The second class has a poorer soil, more rock and some sumac and weeds. The sod is fairly good with considerable blue-grass. The third class has a large portion of the surface covered by rocks and cliffs but some blue-grass.

Roads: Eleven miles over very rough roads with the exception of two miles which is paved to Stanley, the nearest shipping point.

History of tract and condition of timber: The wooded portion has been cut over at various times and there is no merchantable timber but some good young oaks. Most of the land is steep with considerable rock.

Improvements: (Madison County)

Tenant house: Log, 16x24x12', 4 rooms, 1½ story, porch 7x24', partly ceiled, stone chimney, metal roof, fair condition.

Barn: Frame, 32x16x10', shingled roof, good condition.

Hen house: Frame, 8x8x8', shingled roof.

Hen house: Frame, 8x8x8', shingled roof.

Scaled & house: Frame, 14x18x10', metal roof, good condition.
(Fairbanks Scales not included)

Summer house: Frame, 18x24x12', with an ell 14x28x8', matched, 6 rooms, 1½ story, porch 8x18', stone chimney, ceiled, metal roof, good condition.

Total value of improvements -- \$1,095.00.

Orchard: 15 trees - various sizes - 20 years old - fair condition. (Madison County)

Acreage and value of land by types: (Madison County)

Type	Acreage	Value per acre	Total Value
Ridge	6	\$3.50	\$21.00
Slope	60	\$4.50	\$270.00
Fg	44	\$47.00	\$2068.00
	110		\$2359.00

Summary:

Total value of land. \$2359.00
Total value of improvements \$1095.00
Total value of orchard 15.00
Total value of tract. \$3469.00

over for summary L. M. Farmer See

County: Madison
District: Robinson

Claimant #134 @ Spitler, S. H. & B. H.
(Continued)

Total value of tract.	\$3469.00
Deducting Skyline Rt-of-way @ average price per acre	
11.36 acres @ \$31.54.	\$ 358.30
Balance due claimant.	<u>\$3110.70</u>

L. M. Farmer Sec.

County: Madison
 District: Robinson

(County: Page
 District: Marksville)

194 Spitler, S. H. & B. H.

Acreage Claimed: 320 A. 120 P. { Assessed: (Page County) Deed 13 A. 120 P. for }
 Value Claimed: \$18,000.00 { " 118 A. 120 P. \$200.00 in 1914;
 " \$240.00 " 105 A. for \$1425.00
 Location: Top of Blue Ridge, north of Gordonsville in 1912; and 90 A. }
 pike. *In Madison and Page Counties* Consideration un- }
 known and 112 A. }

Incumbrances, counter claims or laps: None known.

Soil: Sandy loam of good depth and fertility with loose rock in some places and rock outcrops in a few places. First class grazing is smooth with gentle to moderate slopes, little rock and very few weeds. The sod is very good with a high percentage of blue-grass. The second class has a poorer soil, more rock and some sumac and weeds. The sod is fairly good with considerable blue-grass. The third class has a large portion of the surface covered by rocks and cliffs but some blue-grass.

Roads: Eleven miles over very rough roads with the exception of two miles which is paved to Stanley, the nearest shipping point.

History of tract and condition of timber: The wooded portion has been cut over at various times and there is no merchantable timber but some good young oak. Most of the land is steep with considerable rock.

Improvements: (Madison County)
Tenant house: Log, 16x24x12', 4 rooms, 1½ story, porch 7x24', partly ceiled, stone chimney, metal roof, fair condition. \$400.00
Barn: Frame, 32x16x10', shingled roof, good condition. 150.00
Kitchen: 12x14x8', metal roof. 50.00
Hen house: Frame, 8x8x8', shingled roof. 10.00
Hen house: Frame, 8x8x8', shingled roof. 5.00
Scales & house: Frame, 14x18x10', metal roof, good condition. (Fairbanks Scales *not included.*) 225.00
Summer house: Frame, 18x24x12' with an ell 14x28x8', matched, 6 rooms, 1½ story, porch 8x18', stone chimney, ceiled, metal roof, good condition. \$1,095.00
Orchard: 15 trees - various sizes - 20 years old - fair condition. (Madison County) - - 15.00
 (\$1,340.00)

Acreage and value of land by types: (Madison County)

Type	Acreage	Value per A.	Total Value
Ridge	6	1.00	6.00
Slope	60	2.50	150.00
Grazing I	33	40.00	1,320.00
" II	8	22.00	176.00
" III	2	12.00	24.00
Tillable	1	40.00	40.00
	110		\$1,716.00

County: Madison
District: Robinson

County: Page
District: Marksville

- Spittler, S. H. & B. H.

Cont'd.

Value of land - - - - \$1,716.00 (Madison County)
 Value of improvements 1,340.00 " "
 Value of orchard - - - 15.00 " "
 Value of tract - - - \$3,071.00 " "
 Average per acre \$27.92 " "

Acreege and value of land by types: (Page County)

Type	Acreege	Value per A.	Total Value
Slope	56	2.50	140.00
Ridge	60	1.00	60.00
Grazing I	52	40.00	2,080.00
" II	30	22.00	660.00
" III	6	12.00	72.00
	<u>204</u>		<u>\$3,012.00</u>

Value of tract \$3,012.00 (Page County)

Average per acre \$14.76 " "

SUMMARY

Page and Madison counties.

Total number of acres - 314 A.

Total value of tract \$6,083.00

Average value per acre \$19.37.

44
 88
 132

204
 110
 314
 56
 3
 148

Claim of Bernard H. Spitler in his own right and as Assignee of S. H. Spitler, Deceased under his will,
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. Bernard H. Spitler & S. H. Spitler, on 320 1/4 Acres, in Page & Madison Counties, of which there is 202 Acres

assessed 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 Bernard H. Spitler,
My Post Office Address is Luray, Va., R.F.D. #4.

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 320-1/4 acres, on which there are the following buildings and improvements: One 4 room tenant House, Stable, covered cattle Scales in good shape, One 6 room (practically New) summer or winter House,

This land is located about 17 miles from Madison C. H. same from Luray, Va. Virginia, in the Robertson Magisterial District of said County Madison & Marksville, in Page

Co. 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).

I am the sole owner of said tracts of land, under the will of my father the late S. H. Spitler, Deceased,

The land owners adjacent to the above described tract or parcel of land are as follows:
North W.D.Huffman & E.Y.Yates & Cedar Run Tract
South Lariloba Mining Co.,
East C. M. Spitler,
West O. M. Printz, I. N. Long

I acquired my right, title, estate or interest to this property about the year _____ in the following manner: See foot notes as to acquiring title to same.

I claim that the total value of this tract or parcel of land with the improvements there-
including mineral rights,
on is \$18,000.00. 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 \$18,000.00.

I am the owner of none 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: The title to the above described real estate was acquired from the following named persons, viz: 105 Acres from David Koontz and Howard Lillard to S. H. & B. H. Spitler; 90 Acres also from Koontz & Lillard to same; D. E. & J. H. Wolfersberger to S. H. & B. H. Spitler, for 13 1/4 Acres, and 112 Acres from J. N. Spitler, et als to S. H. & B. H. Spitler,

(Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 21st. day of July, 1930. Bernard H. Spitler

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

The undersigned hereby certifies that Bernard H. Spitler 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 21st. day of July, 1930.

See Over for further remarks.

Groves Bruce
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.
Clint Page

Handwritten notes on the left margin:
Bernard H. Spitler
105-23-1/2-1/4
105-23-1/2-1/4
105-23-1/2-1/4

The foregoing tracts as herein enumerated, consisting of four tracts of land, aggregating 320- $\frac{1}{4}$ Acres, more or less, lying and being situated both in Madison and Page Counties, on top and both sides of the main Blue Ridge Mountain, and about 1 mile north of the Old New Market and Gordonsville Turnpike, whilst the tax bills call for 202 Acres in as assessed in Madison County and 118- $\frac{1}{4}$ Acres, in Page County, however I believe that there should have been more assessed in Page, that is in each county it should be almost an equal area, and that since receiving the enclosed blank, my father S. H. Spitler has departed this life, devising all his interest in the foregoing tracts to me in fee simple.

I desire to state further that approximately there is 200 acres of the above tract that is in a good blue grass sod with numerous springs on said tracts furnishing ample water for stock which are kept on said tracts of land, and that we have been able to take care of 50 head of cattle on said tract which have done well without having to be removed.

This will good for two years only -

*B.H. Spitler
Died July 23-1930
Estate of A.H. Corneuh*

following manner: see foot notes as to subdividing title to same.

West O. H. B. ... I. H. ...

East C. H. ...

South ...

North W.D. ... & S.L. ... & Cedar Hill ...

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

My father the late S. H. Spitler, deceased.

I am the sole owner of said tract of land, under the will of my father (as described above).

My father set out expressly what title, title, estate or interest he had in or to the tract of land in joint owner with the names of the joint owners. If said title is not sole or joint owner, stated above: in this case said title and interest is sole owner of joint owner.

I claim the following title, title, estate or interest in the tract of land described above: Madison & Berkeley: in Page County, Virginia.

This land is located about 1 1/2 miles from New Market, Virginia, in the County of Madison, Virginia, and is more or less as follows:

acres, more or less, lying and being situated both in Madison and Page Counties, on top and both sides of the main Blue Ridge Mountain, and about 1 mile north of the Old New Market and Gordonsville Turnpike, whilst the tax bills call for 202 Acres in as assessed in Madison County and 118- $\frac{1}{4}$ Acres, in Page County, however I believe that there should have been more assessed in Page, that is in each county it should be almost an equal area, and that since receiving the enclosed blank, my father S. H. Spitler has departed this life, devising all his interest in the foregoing tracts to me in fee simple.

I claim a title, title, estate or interest in a tract of land within the area sought to be condemned, containing about 202- $\frac{1}{4}$ acres, on which there are the following improvements: one 2 room (brick) house, one 2 room frame house, stable, covered walk, etc.

My name is ...

as the answer to said petition and to said notice.

County of Madison, Virginia, says leave of the Court to file the petition upon the writ of said petition and published in accordance with the order of the Circuit Court of the State of Virginia, and in response to the notice of condemnation awarded by the State Commission on Conservation and Development of the State of Virginia.

in Page & Madison Counties, of which there is 202- $\frac{1}{4}$ acres, more or less, lying and being situated both in Madison and Page Counties, on top and both sides of the main Blue Ridge Mountain, and about 1 mile north of the Old New Market and Gordonsville Turnpike, whilst the tax bills call for 202 Acres in as assessed in Madison County and 118- $\frac{1}{4}$ Acres, in Page County, however I believe that there should have been more assessed in Page, that is in each county it should be almost an equal area, and that since receiving the enclosed blank, my father S. H. Spitler has departed this life, devising all his interest in the foregoing tracts to me in fee simple.

The State Commission on Conservation and Development of the State of Virginia, in the Circuit Court of Madison County, Virginia, do hereby certify that the above named S. H. Spitler, deceased, under his will, devised all his interest in the foregoing tracts to me in fee simple.

The State Commission on Conservation and Development is entitled
VIRGINIA
to receive IN THE CIRCUIT COURT OF MADISON COUNTY certain contract be-

STATE COMMISSION ON CONSERVATION)
AND DEVELOPMENT)

And it further appearing from the application of the
Laralee v. Mining & Development Corporation) ORDER OF DISTRIBUTION in the
proceeds arising from the condemnation of the aforesaid tract that
D. F. ANDERSON et als)

On this _____ day of _____, 1934, again came
B. H. Spitler, who by leave of court, filed his application for
the payment to him of his share of the sum of \$3241.80, the amount
of the award set out in the judgment of condemnation for tract
#134, which said sum has heretofore been paid into court.

And it appearing from the report of the Board of Ap-
praisal Commissioners heretofore filed in this cause and the peti-
tion for judgment and condemnation entered herein on the _____ day
of _____, 193____, that in the opinion of the petitioner
the said B. H. Spitler and S. H. Spitler are invested with a sup-
erior or better right or claim of title in and to said tract of
land #134, or to the proceeds arising from the condemnation thereof.

And it appearing from the application of the said B. H.
Spitler that the said S. H. Spitler is dead and that the said B. H.
Spitler became the sole owner in fee simple of said tract #134
under the will of the said S. H. Spitler, wherein the interest of
the said S. H. Spitler in said tract of land was devised to the
said B. H. Spitler.

And it appearing from the application of the State Com-
mission on Conservation and Development claiming a share in the
proceeds arising from the condemnation of the aforesaid tract that

the State Commission on Conservation and Development is entitled to receive the sum of \$131.09 by virtue of a certain contract between the said State Commission on Conservation and Development and the said B. H. Spitler.

And it further appearing from the application of the Laraloba Mining & Development Corporation claiming a share in the proceeds arising from the condemnation of the aforesaid tract that the said Laraloba Mining & Development Corporation is entitled to receive the sum of \$36.00 by virtue of a certain interlock or overlap upon the said tract #134.

And it THEREFORE appearing to the court that the said B. H. Spitler is invested with a superior or better right or claim of title in and to said tract #134 or to the proceeds arising from the condemnation thereof and is, therefore, entitled to receive the proceeds arising from the condemnation of said tract #134, except the sum of \$131.09 claimed by the State Commission on Conservation and Development, as aforesaid, and the sum of \$36.00 claimed by the Laraloba Mining & Development Corporation, as aforesaid, and it further appearing to the court that all taxes due or exigible thereon have been paid;

UPON CONSIDERATION WHEREOF, it is considered and ordered by the court that the said sum of \$3241.80 paid into court by the petitioner as just compensation for said tract #134 be paid as follows: That the sum of \$3074.71 be paid unto B. H. Spitler; that the sum of \$131.09 be paid unto the said State Commission on Conservation and Development; and that the sum of \$36.00 be paid unto Laraloba Mining & Development Corporation, and that the Clerk of this Court be and he is hereby directed to transmit a certified copy of this order to the Treasurer of Virginia, who shall pay unto Broun & Price, 410-14 State & City Bank Building, Roanoke, Vir-

27th

Brown & Price

Circuit Court of Madison Co.

State Commission on Conservation and Development

v.

D. F. Anderson et als

ORDER OF DISTRIBUTION

as required by law.

Payment to the Clerk of this Court for appropriate entry thereof

Judgment of condemnation for said tract \$134. and certify such

sent the sum of \$3341.80; the amount of the award set out in the

Corporation the said sum of \$326.00, which said sums together repre-

Virginia, Attorney of record for Laxslope Mining & Development

sent the said sum of \$131.03, and unto Norman G. Payne, Madison,

\$344.71, and unto the State Commission on Conservation & Develop-

Attorneys of record for B. H. Shifter, the said sum of

Ends
[Signature]

LAW ORDER

BOOK 9 PAGE 304

VIRGINIA

IN THE CIRCUIT COURT OF MADISON COUNTY

STATE COMMISSION ON CONSERVATION AND DEVELOPMENT

v.

D. F. ANDERSON et als

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 of land #134, 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 set out in said judgment as constituting the award therefor as follows:

Award on tract #134 - \$3,241.80.

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 of land or in the proceeds arising from the condemnation thereof:

B. H. Spitler and S. H. Spitler

That the aforesaid S. H. Spitler is now deceased, and that your undersigned became the sole owner in fee simple of said tract #134 under the will of said S. H. Spitler, wherein the interest of S. H. Spitler in said tract of land was devised to your undersigned.

That the Petitioner has paid into the custody of the court the said sum set out in said judgment as constituting the award for the fee simple estate in said tract of land.

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

Fee simple, except a certain right-of-way for the Skyline Drive owned by the State Commission on Conservation and Development.

That no other person or persons than the undersigned are entitled to share in the distribution of said award, except the following named persons whose interest in said tract or in the proceeds arising from the condemnation thereof on the date of entry of said judgment was as follows:

The State Commission on Conservation and Development has heretofore filed a claim for \$131.09 which your undersigned admits is justly due the aforesaid Commission by contract on account of a certain right-of-way acquired by the said Commission for the construction of a certain road known as the Skyline Drive.

The Laraloba Mining and Development Corporation has heretofore filed a claim for \$36.00 based on an interlock or overlap of 22.5 acres upon the aforesaid tract #134.

That the sum of \$131.09 claimed by the aforesaid Commission, the sum of \$36.00 claimed by the aforesaid Laraloba Mining and Development Corporation and the sum of \$3,074.71 claimed by your undersigned, as hereinafter set out, together represent the sum of \$3,241.80, the total amount of the award set out in said judgment of condemnation.

WHEREFORE, your undersigned prays that he be made a party 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 set forth in said judgment in rem as constituting the award for the fee simple estate in said tract, condemned as aforesaid and for the payment to the undersigned as hereinafter set out of the said award or as much thereof as the Court may find that the undersigned is entitled to receive and which the undersigned avers is as follows:

Tract #134 - \$3,074.71

Your undersigned further pray that the proceeds arising from the condemnation of the aforesaid tract which your undersigned is entitled to receive be paid unto Broun and Price, 410-14 State and City Bank Building, Roanoke, Virginia, Attorneys of Record, for B. H. Spitler, that the proceeds arising from the condemnation of the said tract which the said Commission on Conservation and Development is entitled to receive be paid to the said State Commission on Conservation and Development, and that the proceeds arising from the condemnation of said tract which the said Laraloba Mining and Development Corporation is entitled to receive be paid to the said Corporation or its Attorneys.

Broun & Price
Counsel for Claimant

B. H. Spitler

By Counsel
B. H. Spitler

Circuit Court of Loudoun Co.
State Commission on Conserva-
tion and Development

D. E. Underwood
Notary Public
STATE OF VIRGINIA

CITY OF ROANOKE, to-wit:

This day personally appeared before me, Emmet C. Perry
Perry a Notary Public in and for the City aforesaid in
the State of Virginia, B. H. Spitler, who having been duly sworn
deposes and says that the matters and things contained in the
foregoing petition are true and correct to the best of his know-
ledge and belief.

GIVEN under my hand this 26th day of September,
1934.

Emmet C. Perry
Notary Public

My commission expires

May 20th 1936.

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. 134 : 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. 134 \$ 3241.80, 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;

**B. H. Spitler
S. H. Spitler**

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:—

22.5 acre interlock or overlap

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:

- 1. **B. H. Spitler and S. H. Spitler, so far as they can sustain their claim.**
- 2. **State Commission on Conservation & Development, so far as it can sustain its claim.**

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. 134 \$ 36.00 : 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
<u>Laraloba Mining & Development Corporation</u>	-----
-----	-----
<u>By</u>	-----
<u>Its Attorney</u>	-----
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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.