

NAME OF CLAIMANT

#226 - Funkhouser, J. A. & Effie

Number of Acres: 132

Location: Main Ridge near Roach Gap.

Roads: Three miles of fair dirt road to Spotswood Trail near Swift Run; thence four miles to Elkton.

Soil: The first class grazing land is of good depth and fertility; very little rock with moderate slopes. The second class is rocky with thin soil and steep slopes; washed quite badly. The third class is very poor and practically all rock.

History of Tract and condition of timber: Most of the tract was cleared many years ago, grazed since. The wooded area has been cut over repeatedly in the past. The present stand consists of mixed oaks, etc.

Improvements: Dwelling: Log 18x24', 4 rooms, kitchen 10x15x8', metal roof, stone flues, 1 1/2 story, log finish, occupied by tenant.  
Improvements: Barn: Log 12x16x10', shingle roof, poor condition.  
Hen house: Log 8x10x6', shingle roof, poor condition.

Acreage and value of types:

Types	Acreage		Value per acre	Total Value
Ridge:				
Slope:	27	@	\$5.00	\$135.00
Cove:				
Grazing Land:	103	@	38.00	3914.00
Fields Restocking:				
Cultivated Land:	2	@	25.00	50.00
	132			\$4099.00

Orchard:

Minerals:

Value of Land: \$ 4099.00

Value of Improvements: \$ 310.00

Value of Orchard: \$ 310.00

Value of Minerals: \$

Value of Fruit: \$

Value of Timber: \$ 50.00

Value of Wood: \$ 50.00 \$4459.00

Value per acre for tract: \$ 33.77

Incidental damages arising from the taking of this tract: \$ NONE.

*Geo. H. Peni* CLERK. 31

Claim of John M. Funkhouser and Effie M. Funkhouser  
In the Circuit Court of Rockingham 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 Rockingham 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 Rockingham County, Virginia, asks leave of the Court to file this as his answer to said petition and to said notice.

My name is John M. Funkhouser and Effie M. Funkhouser  
My post office address is McGaheysville, Virginia.

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 216 acres, on which there are the following buildings and improvements: 6 room house and stable.  
All inclosed by rail and wire fence.

This land is located about 10 miles from Elkton, Virginia, in the Stonewall 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.)

I own 1/2 undivided interest by purchase, and my wife Effie M. Funkhouser, inherited 1/2 undivided interest from her father, T. M. Armentrout

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

North S. J. Hensley  
South Crawford  
East H. L. Shifflett  
West R. M. Burke & C

I acquired my right, title, estate or interest to this property about the year 1909 in the following manner: and my wife inherited her interest 1923

John M. Funkhouser by purchase  
Effie M. Funkhouser inherited from her father, T. M. Armentrout

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 8640.00. 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 \$ 8640.00.

I am the owner of 459 acres of land in ten miles of 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 \$ 4000.00.

(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 profitable operation of the home farm will be very very materially injured from year to year, which I consider a total damage to the 459 acre farm to the extent of \$4000.00.  
Each year the cattle I graze on said mountain farm, yield me around \$750. per year. (Continue remarks if necessary on the back).

Witness my signature <sup>our</sup> (or my name and mark attached hereto) this 16th day of February 1931 1930. John M. Funkhouser Effie M. Funkhouser

STATE OF VIRGINIA, COUNTY OF Rockingham, To-wit: Funkhouser

The undersigned hereby certifies that John M. Funkhouser & Effie M. 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,

Filed in the Clerk's Office  
Rockingham County, Va.

FEB 18 1931

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

[Signature] Clerk

*Note - see revised report*

County: Rockingham  
 District: Stonewall

#226 - Funkhouser, J. M. & Effie

<u>Acreage Claimed:</u> 216	Assessed 219	Deed 250 A. according to 1897 - \$2266.00;
<u>Value Claimed:</u> \$8640.00	" \$1640.00	216½ A. according to later conveyances.

Location: Main Ridge near Roach Gap.

Incumbrances, counter claims or laps: None known.

Soil: The first class grazing land is of good depth and fertility; very little rock with moderate slopes; The second class is rocky with thin soil and steep slopes; washed quite badly. The third class is very poor and practically all rock.

Roads: Three miles of fair dirt road to Spotswood Trail near Swift Run; thence four miles to Elkton.

History of tract and condition of timber: Most of the tract was cleared many years ago, grazed since. The wooded area has been cut over repeatedly in the past. The present stand consists of mixed oaks, etc. It is estimated to cut an average of 10 cds. of fuelwood valued @ 25¢. 270 cords @ 25¢ -- \$67.50.

Improvements:

Dwelling: Log 18x34', 4 rooms kitchen 10x15x8', metal roof, stone flues, 1½ story, log finish, occupied by tenant -	\$125.00
Barn: Log 12x16x10', shingle roof, poor condition -	40.00
Hen house: Log 8x10x6', shingle roof, poor condition -	10.00
	175.00

Value of land by types:

<u>Type</u>	<u>Acreage</u>	<u>Value per acre</u>	<u>Total Value</u>
Fg I	72	\$35.00	\$2520.00
Fg II	21	10.00	210.00
Fg III	10	5.00	50.00
Slope	27	3.00	81.00
Fc	2	15.00	30.00
	132		\$2891.00

Total value of land	\$2891.00
Total value of improvements:	175.00
Total value of timber	67.50
Total value of tract	\$3133.50
Average value per acre	23.39

**M. H. HARRISON**  
**TREASURER OF ROCKINGHAM COUNTY**  
**HARRISONBURG, VIRGINIA**

TO WHOM IT MAY CONCERN:

I hereby certify that the records of my office show that John M. Funkhouser has paid the taxes for the years 1932 and 1933 on his tract of land containing 219-0-0 acres, situate in the Blue Ridge Mountains, Stonewall District, Rockingham County.

All taxes prior to that time, if any be unpaid, are a matter of record in the Clerk's Office of said County.

Given under my hand this  
16th day of December 1933.

M. H. Harrison, Treasurer

By E. A. Zigler  
Deputy

Witness:

M. H. Harrison Jr.

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STATE OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

I, J. Robert Switzer, Clerk of the Circuit Court of Rockingham County do hereby certify that the records in my office do not show any delinquent taxes against the tract of 219 acres in Stonewall District, assessed in the name of John M. Funkhouser.

Given under my hand this 16th day of December, 1933.

J. Robert Switzer, Clerk  
Circuit Court of Rockingham County  
Virginia.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

THE STATE COMMISSION ON CONSERVATION AND  
DEVELOPMENT OF THE STATE OF VIRGINIA

PETITIONER

V. #1829 At Law

CASSANDRA LAWSON ATKINS, ET ALS, ETC.

DEFENDANTS

On this, the 20th day of December, 1933, came John M. Funkhouser and Effie Funkhouser, and on their motion leave is given them to file their application for the payment to them of the sum of \$4,459.00, the amount of the award set out in the award of condemnation for Tract No. 226, 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 November, 1933, that in the opinion of petitioner, the said John M. Funkhouser and Effie Funkhouser are invested with a superior or better right or claim of title in and to the said Tract of land No. 226, 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 the said Tract No. 226, or to the proceeds arising from the condemnation thereof, and that the said John M. Funkhouser and Effie Funkhouser are entitled to receive the proceeds arising from the condemnation of said Tract No. 226, and it further appearing to the Court that all taxes due or taxable upon said Tract No. 226 have been paid:

Upon consideration whereof, it is considered and ordered by the Court that the said sum of \$4,459.00 paid into Court by petitioner as just compensation for Tract No. 226 be paid unto the said John M. Funkhouser and Effie Funkhouser; and the Clerk of this Court is directed to transmit a certified copy of this order to the Treasurer of Virginia, who shall pay unto the said John M. Funkhouser and Effie Funkhouser the said sum of \$4,459.00, the amount of the award set out in the judgment of condemnation for Tract No. 226, taking from the said John M. Funkhouser and Effie Funkhouser a receipt therefor and certifying such payment to the Clerk of this Court for appropriate entry thereof as required by law.

Enter: AWB

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 Rockingham County**

The State Commission on Conservation and Development of the State of Virginia . . . PETITIONER.  
V. At Law No. 1829

Cassandra Lawson Atkins and others, and Fifty-Two Thousand, Five Hundred and Sixty-One (52,561) Acres of land, more or less . . . . . 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. 226:  
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. 226 \$4459.00, 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;

*J. A. Funkhouser + Effie Funkhouser  
Park Indler J. M. + Effie Funkhouser*

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:—

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:

*J. M. + Effie Funkhouser*

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. 226 \$4459.00 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
<i>J. M. Funkhouser</i>	<i>Mc Galeyville, Va</i>
<i>Effie Funkhouser</i>	<i>Mc Galeyville Va</i>

STATE OF VIRGINIA, County of Rockingham, to-wit: \_\_\_\_\_

This day personally appeared before me *J. M. Funkhouser* and *Effie Funkhouser* and made oath that the statements contained in the above petition, so far as made on their own information are true and so far as made upon information of others they believe them to be true. Given under my hand this 16<sup>th</sup> day of

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.

*Robert Smith* N.P.



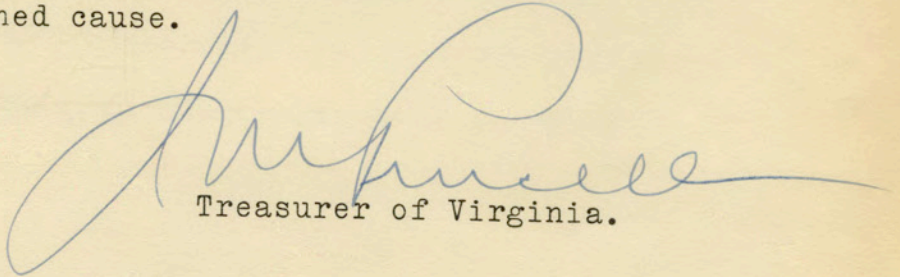
# Commonwealth of Virginia

TREASURER'S OFFICE  
RICHMOND, VA.

JOHN M. PURCELL  
TREASURER OF VIRGINIA

December 27, 1933

This is to certify that I, J. M. Purcell, Treasurer of Virginia have this 27 day of December in accordance with an order of the circuit court of Rockingham County dated 12/20/33 in the cause of the State Commission on Conservation and Development of the State of Virginia vs. Cassandra Lawson Atkins paid to John M. Funkhouser and Effie Funkhouse, McGaheysville, Va. \$ 4,459.00 being in full settlement of tract # 226 in the above mentioned cause.

  
Treasurer of Virginia.



JOHN M. PURCELL  
TREASURER OF VIRGINIA

# Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

December 27, 1933

John M. Funkhouser and Effie Funkhouser

McGaheysville, Virginia

Received of J. M. Purcell, Treasurer of Virginia, the sum of \$ 4,459.00, in accordance with an order of the Circuit Court of the county of Rockingham entered on the 20th day of December 1933, in the matter of the State Commission on Conservation and Development v Cassandra Lawson Atkins and others, being full and complete settlement for the tract of land known in said proceeding as # 226.

*John M. Funkhouser*  
*Effie Funkhouser*

Sign original and duplicate  
and return to the Treasurer  
of Virginia.