

ROCKINGHAM COUNTY

NAME OF CLAIMANT

#355 - Eiler, Howard

Number of Acres: 15

Location: On top of the Blue Ridge, lying in both Rockingham and Greene Counties and is entirely within the Park area. This report covers only the report for Rockingham County.

Roads: Nine miles of dirt road to Yancey, the nearest shipping point.

Soil: Sandy loam of good depth and fertility with some loose rock. The wooded land is steep and rocky. The grazing land has fine blue grass turf with few weeds. There are some thin spots with crab and other grasses. The woodland grazing is mostly poor soil with a thin stand of weeds.

~~History of Tract and condition of timber:~~
History of tract and condition of timber: The wooded area has been cut over at various times and there is no merchantable timber. There is a stand of hardwood and a few pines ranging up to 12" DBH.

Improvements: None.

Acreage and value of types:

Types	Acreage		Value per acre	Total Value
Ridge:				
Slope:	6	@	\$5.00	\$30.00
Cove:				
Grazing Land:	9	@	50.00	450.00
	<u>15</u>			<u>\$480.00</u>

Fields Restocking:

Cultivated Land:

Orchard:

Minerals:

Value of Land: \$ 480.00

Value of Improvements: \$

Value of Orchard: \$

Value of Minerals: \$

Value of Fruit: \$

Value of Timber: \$

Value of Wood: \$

Value per acre for tract: \$ 32.00

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

Geo. W. Pen. CLERK. 61

County: Rockingham
District: Stonewall

#355 - Eiler, Howard - Rockingham Co.
#152 - Eiler, Howard - Greene County

Value of land by types: (Greene County)

<u>Type</u>	<u>Acreage</u>	<u>Value per acre</u>	<u>Total Value</u>
Grazing	93	\$40.00	\$3720.00
Woodland grazing	17	6.00	102.00
	<u>110</u>		<u>\$3822.00</u>

Total value of land	\$3822.00
Total value of timber	25.00
Total value of tract	<u>\$3847.00</u>
Average value per acre	\$34.97

SUMMARY
Rockingham & Greene Counties

Total acreage	120
Total value	\$4088.00
Average value per acre	\$34.07

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

PETITIONER.

V. At Law, No. 1829.

Cassandra Lawson Atkins and others,

DEFENDANTS.

On this 20th day of December, 1933, came Howard R. Eiler and Fox D. Eiler, and, on their motion, leave is given them to file their application for disbursement of the sum of Four Thousand, Six Hundred Dollars (\$4,600.00), the amount of the award set out in the judgment of condemnation for Tract No. 180 and heretofore paid into court.

And likewise came D.W. Earman, who asked permission to file his answer to said application, which is accordingly filed.

And it appearing to the Court that said tract of land was conveyed to the said Howard R. Eiler and Fox D. Eiler, jointly, by Elizabeth K. Miller and her husband, by deed dated January 28, 1902, recorded in the Clerk's Office of said Court in D.B. No. 67, at Page 144; that said Howard R. Eiler and Fox D. Eiler are invested with a superior or better right or claim of title in and to said tract of land No. 180 than any other person or persons; that the taxes due on said tract No. 180 have been paid, and that the interest of said Fox D. Eiler in said tract of land is subject to the lien of a deed of trust in favor of said D.W. Earman, he being the holder of the bond for One Thousand Dollars (\$1,000.00) thereby secured:

Upon consideration whereof, it is considered and ordered by the Court that said sum of Four Thousand, Six Hundred Dollars (\$4,600.00), paid into court by petitioner as just compensation for Tract No. 180, be disbursed as follows: Twenty-three

Hundred Dollars (\$2,300.00), one-half thereof, shall be paid to said Howard R. Eiler, and, of the remainder, One Thousand Dollars (\$1,000.00) shall be paid to said D.W. Earman, and Thirteen Hundred Dollars (\$1,300.00) to Fox D. Eiler, and the Clerk of this Court is directed to transmit a certified copy of this order to the Treasurer of Virginia, who shall disburse said sum of Four Thousand, Six Hundred Dollars (\$4,600.00) as above set out, taking from the said Howard R. Eiler, D.W. Earman, and Fox D. Eiler, receipts for the amounts paid to them, and certifying such payments to the Clerk of this Court for appropriate entry thereof, as required by law.

Enter.

J. W. W.

Judge.

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IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

v.

Cassandra Lawson Atkins, and others
and Fifty-two Thousand, Five Hundred
and Sixty-one (52561) acres of land,
more or less.

The separate answer of D. W. Earman to a petition filed
in this cause in the Circuit Court of Rockingham County by F. D.
and H. R. Eiler.

This respondent for answer to said petition, or to so
much thereof as he is advised it is material for him to answer,
answers and says:

F. D. Eiler

That it is true that petitioner¹ and his wife conveyed
the real estate described in said petition situate on the Blue
Ridge Mountain in Rockingham County, Virginia, known and designated
on the map of the park lands as Tract No. 180 to D. W. Earman,
Trustee by deed dated March 29, 1933, recorded in the Clerk's Office
of this Court in Deed Book 154 page 247, to secure the payment
of the principal sum of One Thousand Dollars (\$1,000.00), as evi-
denced by a certain Homestead Waiver bond of even date with said
deed made by F. D. Eiler and wife, said bond being now held and
owned by your respondent, D. W. Earman, which said bond is due
and payable two years after date, and on which interest has been
paid in advance to March 29, 1934.

Respondent joins in the prayer of said petition for the
distribution of said fund as set out therein.

And he will ever pray, etc.

D. W. Earman

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

PETITIONER,

V. At Law No. 1829.

Cassandra Lawson Atkins and others,

DEFENDANTS.

TO THE HON. H.W.BERTRAM, JUDGE OF SAID COURT.

Your petitioners, Howard R.Eiler and Fox D.Eiler, respectfully represent that a judgment in rem has heretofore been entered in this proceeding, condemning to the use of the petitioner the fee simple estate in a tract of land formerly the property of your petitioners, situate on the Blue Ridge Mountain, in the eastern portion of Stonewall District, Rockingham County, Virginia, which tract is described in the report of the Appraisal Commissioners herein, and shown, numbered, and delineated on the County Ownership Map, filed herewith, as Tract No. 180, at the price of \$4,600.00, this being a part of a tract of land which was conveyed to your petitioners jointly by Elizabeth K.Miller and Moffett G.Miller, her husband, by deed bearing date January 28, 1902, and of record in the Clerk's Office of this Court in D.B.No. 67, at Page 144.

Your petitioners further show to the Court that all taxes against said property have been paid to and including the year 1933, and they herewith file certificates to that effect from M.H.Harrison, Treasurer of Rockingham County, and J.Robert Switzer, Clerk of the Circuit Court of Rockingham County, which certificates are marked Certificates Nos. 1 and 2, respectively, and prayed to be read as a part hereof.

Your petitioner, Fox D.Eiler, further shows to the Court that, by deed dated March 29, 1933, he, his wife uniting therein, conveyed his undivided one-half interest in the said tract of land

to D.W.Earman, Trustee, to secure the payment of One Thousand Dollars (\$1,000.00) and all interest accruing on same, which said principal sum is evidenced by a certain homestead waiver bond of even date with said deed, due and payable to bearer two years after date, with interest from date at the rate of six per cent. per annum, interest payable annually; that D.W.Earman is the holder of said bond, and that interest on same has been paid to date.

Your petitioner, Fox D.Eiler, further says that the afore-said deed of trust is the only lien resting on his interest in the said property.

And your petitioner, Howard R.Eiler, further says that his undivided one-half interest in said property is unencumbered.

Your petitioners further state that no other person than the above named D.W.Earman is interested in the distribution of the said award.

Wherefore, your petitioners pray that they may be made parties herein and be allowed to file their petition in these proceedings; that the said D.W.Earman may be made party defendant to this petition, and be required to answer the same, answer under oath being waived; that an order may be entered in this proceeding for the distribution of said award, and that your petitioners may have such other and further relief as the nature of the case may require.

Ralph H. Bader
Counsel.

Howard R. Eiler
Fox W. Eiler

State of Virginia,
County of Rockingham, to-wit:

This day Howard R.Eiler and Fox D.Eiler, the petitioners in the above entitled matter, personally appeared before me,

A U Lewis, a Notary Public in and for the County and State aforesaid, and, being first duly sworn, deposes and say that they are petitioners in the named matter; that they are acquainted with the facts therein set forth, and that the said facts are true and correct to the best of their knowledge and belief.

A U Lewis, Notary Public.
my comm expires July 5, 1937

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 138 acres in Stonewall District, assessed in the name of H. R. and F. D. Eiler.

Given under my hand this 18th day of December, 1933.

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

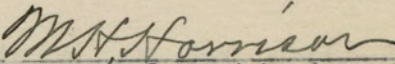
M. H. HARRISON
TREASURER OF ROCKINGHAM COUNTY
HARRISONBURG, VIRGINIA

To Whom It May Concern:

I hereby certify that the records of my office show that H. R. and F. D. Eiler have paid the taxes for the years 1932 and 1933 on their tract of 138 acres of land 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 18th day of December 1933.



Treasurer of Rockingham County.

THIS DEED made this 29th day March, 1933, by and between Fox D. Eiler and Gertrude A. Eiler, his wife, parties of the first part, and D. W. Earman, Trustee, party of the second part,

W I T N E S S E T H :

That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid by the party of the second part to the parties of the first part, the receipt whereof is hereby acknowledged, and upon the trust hereinafter declared, they, the said parties of the first part, do hereby grant and convey with general warranty of title unto the said D. W. Earman, Trustee, party of the second part, an undivided one-half interest in that certain tract or parcel of land, consisting of 185 acres, more or less, with the improvements thereon and appurtenances thereunto belonging, the same being situate partly in Rockingham County and partly in Greene County, Virginia, and lying on the east side of the public road crossing Simmons Gap, said tract of land being the same conveyed to Howard R. Eiler and Fox D. Eiler as joint tenants by Elizabeth K. Miller and Moffett G. Miller, her husband, by deed bearing date January 28, 1902, of record in the Clerk's Office of Rockingham County, Virginia in Deed Book 67, page 144, to which said deed reference is hereby made for further and more particular description of said real estate.

IN TRUST NEVERTHELESS to secure the principal sum of ONE THOUSAND DOLLARS (\$1,000.00) and all interest hereafter accruing on same, which said principal sum is evidenced by a certain Homestead Wavier bond of even date herewith in the sum of One Thousand Dollars (\$1,000.00) due and payable to bearer two years after date with interest from date at the rate of six per cent per annum, interest payable annually, and which said bond is identified by the Trustee's signature endorsed thereon.

It is mutually understood and agreed between the parties hereto that if there shall be any default in the payment of said bond, or in the payment of interest when due, then the total debt herein secured shall become due and payable at once, and the Trustee herein

upon the request of the holder of said bond so to do shall proceed to execute this trust in accordance with Section 5167 of the Code of Virginia, 1919 Edition, and the Acts amendatory thereof.

It is understood and agreed between the parties hereto that in the event the Trustee herein advertises for sale the property herein conveyed agreeable to the terms hereof and payment or assignment is made of the indebtedness herein secured on or before the day of sale, or the Trustee directed not to make such sale, and the sale is not made, then there shall be paid to the said Trustee for his services as aforesaid a sum equivalent to two per cent of the indebtedness owing, unpaid and secured hereunder at the time he advertises the said property for sale.

Witness the following signatures and seals.

Fox D. Eiler (SEAL)

Gertrude A. Eiler (SEAL)

VIRGINIA, City of Harrisonburg, to-wit:

I, Pauline M. Andrus, a notary public in and for the city and state aforesaid, whose commission expires March 7, 1936, do certify that Fox D. Eiler and Gertrude A. Eiler, his wife, whose names are signed to the foregoing writing bearing date March 29, 1933, have acknowledged the same before me in my said city.

Given under my hand this 29th day of March, 1933.

Pauline M. Andrus
N.P.

VIRGINIA: In the Clerk's Office of the Circuit Court of Rockingham County. The foregoing deed of

Trust was this day presented in the office aforesaid and is together with the certificate of acknowledgment annexed, admitted to record this 29th day of March 1933 3:30p M.

Teste: Robert Switzer Clerk

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FOX D EILER & WIFE

TO)

D W EARMAN TRUSTEE

DEED OF TRUST

Tax \$ 1.20 Fees \$ 1.50
Transfer \$ X Total \$ 2.70

Admitted MAR 29 1933 3:30 PM

Robert Switzer Clerk
Rockingham County, Va.

HARRISONBURG, Va., March 19 33
Recorded in Deed Book
no. 154 page 247 M

Robert Switzer
County Clerk.

LAW OFFICES OF
D. WAMPLER EARMAN
HARRISONBURG, VA.
COMMONWEALTH'S ATTORNEY

8 hp

Claim of H. R. and F. D. Eiler.
In the Circuit Court of Rockingham County, Virginia, No. 1820, At Law.
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. Bassandra Lawson Atkins

52,561 acres
more or less, of land in R- 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 H. R. and F. D. Eiler
My post office address is Penn Laird, Va.

~~We~~ claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 185 acres, on which there are the following buildings and improvements: Smelling, Granary and Stables.

This land is located about 22 miles from Harrisonburg Virginia, in the Stonewall Magisterial District of said County.

~~We~~ 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.)
H. R. and F. D. Eiler are sole owners

The land owners adjacent to the above described tract or parcel of land are as follows:
North A. W. Shifflet
South Simmons Gap road.
East DeFord property
West Simmons Gap road

~~We~~ acquired my right, title, estate or interest to this property about the year 1902 in the following manner: Deed from E. R. Miller

~~We~~ claim that the total value of this tract or parcel of land with the improvements thereon is \$ 9000.00. 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 \$ 9000.00.

~~We~~ am the owner of 185 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 \$ 400.00 per year.
(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: It will be detrimental to our farming interest at home.

(Continue remarks if necessary on the back).

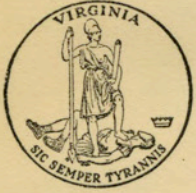
Witness my signature (or my name and mark attached hereto) this 16 day of Feb, 1930. H. R. Eiler. F. D. Eiler.

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

The undersigned hereby certifies that H. R. Eiler + F. D. Eiler 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 16 day of Feb., 1930.

Filed 2/16/31
J. A. B.

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



Commonwealth of Virginia

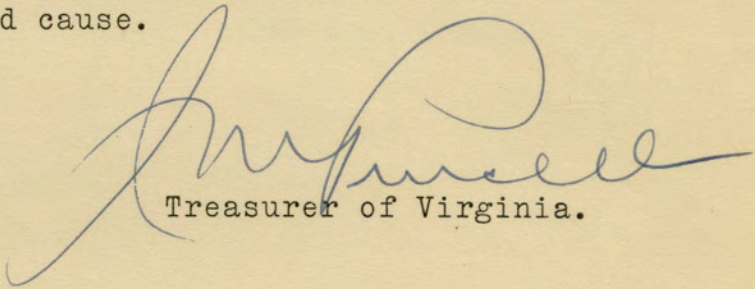
TREASURER'S OFFICE

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 H. R. Eiler, Pen Laird, Virginia \$ 480.00 being in full settlement of tract # 355 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

H. R. Eiler

Penn Laird, Virginia

Received of J. M. Purcell, Treasurer of Virginia, the sum of \$ 480.00, 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 # 355.

A. R. Eiler.

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