

NAME OF CLAIMANT

#76 - Haney, J. K.

Number of Acres: 74

Location: Swift Run Gap, north side of Spotswood Trail.

Roads: Seven miles over Spotswood Trail to Elkton.

Soil: Sandy clay of good depth and fertility; somewhat rocky with moderate to gentle slopes and northwest, southwest and southeast exposure.

History of Tract and condition of timber: Most of tract cleared many years ago, grazed and cultivated since. The wooded area has been cut over repeatedly in the past. The wooded area in Rockingham County is estimated to cut an average of 6 cords of fuelwood, on 11 acres, a total of 66 cords..

Improvements: (See reverse side for Improvement information)

Acreage and value of types:

Types	Acreage	Value per acre	Total Value
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Ridge:

Slope:	11	\$5.00	\$55.00
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Cove:

Grazing Land:	63	40.00	2520.00
	<u>74</u>		<u>\$2575.00</u>

Fields Restocking:

Cultivated Land:

Orchard:

Minerals:

Value of Land: \$ 2575.00 2415.00

Value of Improvements: \$ 2415.00

Value of Orchard: \$ 25.00 25.00

Value of Minerals: \$

Value of Fruit: \$ ~~xxxxxxx~~ 50.00

Value of Timber: \$ ~~simple value for road xxxxxx 26 A xxxxxx 283.00~~ \$5065.00

Value of Wood: \$ 50.00 ~~xxxxxxx~~ \$4782.00

Value per acre for tract: \$ 68.44

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

Geo. N. Peni. CLERK.

NAME OF CLAIMANT

IMPROVEMENTS: Dwelling: Frame, 16x33', Ell 16x19x16', 2 story, porch 4x6', double back porch 6x8', 6 rooms, 2 of which are ceiled and plastered, fair condition, occupied by owner.
 Barn: Frame, 30x40x12', paper roof, fair condition.
 Store House: Frame, 20x24x12', shingle roof, 2 rooms ceiled, fair condition.
 Granary: Frame, 12x14x10', shingle roof, fair condition.
 Hen house: Frame, 8x8x6', shingle roof, fair condition.
 Spring house: Frame, 8x12x6', shingle roof, poor condition.
 Orchard: 123 trees (apples), 15 years old, good condition, 65 apple trees, 15 years old, poor condition, 10 peach trees.

Soil: Sandy clay of good depth and fertility; somewhat rocky with moderate to gentle slopes and northwest, southeast and eastward exposures.

History of Tract and condition of timber: Most of tract cleared many years ago. The wooded area has been cut over repeatedly in the past. The wooded area in Rockingham County is estimated to be an average of 8 cords of firewood; on 11 acres, a total of 88 cords.

Improvements: (See reverse side for improvement information)

Types	Acreage	Value per acre	Total Value
Ridge:			
Slope:	11	25.00	275.00
Cove:			
Grazing Land:	63	40.00	2520.00
Fields Restocking:	14		
Cultivated Land:			
Orchard:			
Minerals:			
Value of Land:			2415.00
Value of Improvements:			2415.00
Value of Orchard:			25.00
Value of Minerals:			
Value of Fruit:			30.00
Value of Timber:			3085.00
Value of Wood:			250.00
Value per acre for tract:			2844

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

Revised report

County: Rockingham
District: Stonewall

County: Greene
District: Stanardsville

#76 -- Haney, J. K. (Rockingham County)
#83 -- Haney, J. K. (Greene County)

Acreage Claimed: 114 A. Assessed: 114 $\frac{1}{2}$ Deed: 114 $\frac{1}{2}$
Value Claimed: \$6825.00 Assessed: \$1053.00 Deed: Inherited

Location: Swift Run Gap, north side of Spotswood Trail.

Incumbrances, counter claims or laps: One-half the mineral interest is outstanding.

Soil: Sandy clay of good depth and fertility; somewhat rocky with moderate to gentle slopes and northwest, southwest and southeast exposure.

Roads: Seven miles over Spotswood Trail to Elkton.

History of tract and condition of timber: Most of tract cleared many years ago, grazed and cultivated since. The wooded area has been cut over repeatedly in the past. The wooded area in Rockingham County is estimated to cut an average of 6 cords of fuelwood valued @ 50¢. On 11 acres a total of 66 cords @ 50¢ -- \$33.00.

Improvements: Dwelling: Frame, 16x33', L 16x16x15', 2 story, porch 4x6', double back porch 6x8', 6 rooms, 2 of which are ceiled and 4 plastered, fair condition, occupied by owner, valued at ----- \$900.00
Barn: Frame, 30x40x12', paper roof, fair condition. 300.00
Store house: Frame, 20x24x12', shingle roof, 2 rooms ceiled, fair condition --- 250.00
Granary: Frame, 12x14x10', shingle roof, fair condition -- 40.00
Hen house: Frame, 8x8x6', shingle roof, fair condition -- 10.00
Spring house: Frame, 8x12x6', shingle roof, poor condition -- 10.00
Orchard: 123 apple trees, 15 years old, good condition. 65 apple trees, " " " poor condition. 10 peach trees --
198 trees on 5 acres.
Rockingham County - 3 acres @ \$100.00 -- \$300.00
Greene County - 2 acres @ \$100.00 -- \$200.00

(continued)

County: Rockingham
 District: Stonewall

#76 -- Haney, J. K. (Rockingham County)
 #83 -- Haney, J. K. (Greene County)

Value of land by types: (Rockingham County)

Type	Acreage	Value per acre	Total Value
Slope	11	\$3.00	\$33.00
Fg (H'way frontage)	20	50.00	1000.00
Fg	40	30.00	1200.00
Orchard	3	100.00	--
	<u>74</u>		<u>\$2233.00</u>

Total value of land	\$2233.00
Total value of improvements	1510.00
Total value of orchard	300.00
Total value of timber	33.00
Total value of tract	<u>\$4076.00</u>

Average value per acre \$55.08

Value of land by types: (Greene County)

Type	Acreage	Value per acre	Total Value
Slope	3	\$3.00	\$9.00
Fg	33	30.00	990.00
Fc	3	30.00	190.00
Orchard	2	100.00	--
	<u>41</u>		<u>\$1089.00</u>

Total value of land	\$1089.00
Total value of orchard	200.00
Total value of tract	<u>\$1289.00</u>

Average value per acre \$31.44

SUMMARY

Rockingham & Greene Counties

Slope	14 A.	@	\$3.00	-	\$42.00
Fg (Highway frontage)	20	@	50.00	-	1000.00
Fg	73	@	30.00	-	2190.00
Fc	3	@	30.00	-	90.00
Orchard	5	@	100.00	-	--
	<u>115</u>				<u>\$3322.00</u>

Total value of land	\$3322.00
Total value of improvements	1510.00
Total value of orchard	500.00
Total value of timber	33.00
Total value of tract	<u>\$5365.00</u>
Average value per acre	\$46.65

ORIGINAL

12

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

STATE COMMISSION ON CONSERVATION AND
DEVELOPMENT OF THE STATE OF VIRGINIA

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

v.

JOHN K. HANEY and 74 acres of land and
improvements in Rockingham County.

SEP 29 1932

J. D. [Signature] Clerk

On motion of John K. Haney, praying said Court to dis-approve and to decline to accept the finding of the Board of Appraisal Commissioners heretofore appointed by said Court in the above matter, wherein said Board reported under No. 76 of their findings as filed in the Clerk's Office of said Court, that the 74 acres of land with the improvements thereon, found by said Board to be the property of the moveant was valued at \$5,065.00.

The grounds of said motion are as follows:

1. That the price for said land and improvements is manifestly inadequate as more fully appears from the affidavits attached hereto, which are asked to be read in support of these exceptions.

2. That the finding of said Board was based upon a mistake of law as to the nature and effect of the evidence produced before said Board by the above named party.

3. That the finding of said Board is apparently from the statements contained in its report based upon the physical character of the land alone, without taking into consideration, or at least without giving any effect in its final decision to the income producing capacity of the property, all of which will more readily appear from the affidavits attached hereto, which are asked to be read in support of these exceptions.

John K. Haney
By counsel

D. W. [Signature]
Counsel

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

State Commission on Conservation and
Development of the State of Virginia

v.

John K. Haney and 74 acres of land and
improvements in Rockingham County

Affidavit of J. K. Haney, to be read in connection
with the motion filed by said J. K. Haney to have the findings
of the Board of Appraisal Commissioners disapproved in con-
nection with its finding No. 76.

STATE OF VIRGINIA,

CITY OF HARRISONBURG, to-wit:

John K. Haney this day personally appeared before me,
Pauline M. Andrus, a notary public in and for the city and state
aforesaid, in my city aforesaid, and being duly sworn deposes
and says that I am the owner of 74 acre tract of land improved
by dwelling house, barn, filling station, store house, and other
buildings, situate on the summit of the Blue Ridge Mountain, in
Rockingham County, Virginia, and reported by the Board of Ap-
praisal Commissioners in the above entitled matter under their
finding No. 76; that the tract of land above referred to is
situate on either side of the Skyland Trail at a point where
said Trail is intersected with the Spotswood Trail, and is an
unusually valuable tract of land as it is ideally located as a
business site; that it is 42 miles from where this land is
located to the nearest public highway intersecting said Skyland
Trail; that said land is improved by a good six-room dwelling,
barn, gra~~n~~nary, spring house, new filling station and store
house, and other out buildings; that said real estate is watered
by six never failing springs; that the aforesaid land being con-

demned in this cause is income producing property; that I live on the property myself and am actively engaged in the mercantile and oil business, and I hereby request that the same be omitted from the contemplated Park Area. The actual value of this property, in my opinion, is Ten Thousand Dollars (\$10, 000.00)

John H. Harvey

Subscribed and sworn to before me this 29th day of September,
1932.

Pauline M. Andrews -
N.P.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

State Commission on Conservation and
Development of the State of Virginia

v.

John K. Haney and 74 acres of land and
improvements in Rockingham County.

Affidavit of W. F. Dean to be read in connection with
the motion filed by John K. Haney to have the findings of the
Board of Appraisal Commissioners disapproved in connection with
its finding No. 76.

STATE OF VIRGINIA,

CITY OF HARRISONBURG, to-wit:

W. F. Dean this day personally appeared before me Pauline
M. Andrus, a notary public in and for the city and state aforesaid,
and being duly sworn, deposes and says: that I am a farmer resid-
ing one and one-half miles east of the 74 acres of land belonging
to John K. Haney sought to be condemned by the Government; that
I have been over this land many times, visit it every few days,
and taking into consideration the unusual business site and loca-
tion of this property, it is, in my opinion, worth easily Ten
Thousand Dollars (\$10,000.00).

W. F. Dean

Subscribed and sworn to before me this
29th day of September, 1932.

Pauline M. Andrus

N.P.

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 sixty-one
acres (52,561) more or less, of land in
Rockingham County, Virginia.

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

NOV 9 1932

J. Robert Smith Clerk

In compliance with the order entered in the above
entitled cause on October 25, 1932, and in response thereto,
your defendant, John K. Haney, respectfully states that the
tract or parcel of land within the area sought to be condemned,
ownership of which is claimed by him, and with reference to
which he has filed his objections, is the same tract or parcel
which was found by the Appraisal Commissioners to be land
owned by him, being tract No. 76, as shown and delineated on
the map filed with the report and exhibits thereto attached
made by said Commissioners.

John K. Haney
By Counsel

D.W. Tamm

Counsel

No. 76

RETURN IN FIVE DAYS TO
J. ROBERT SWITZER, CLERK
Circuit Court of Rockingham County
HARRISONBURG VIRGINIA

STATEMENT

OF

)

D. W. Earman, p.q.

JOHN K. HANEY

filed 8/28/33

STATEMENT OF COSTS, POSTAGE, ETC.:

SUPLEE ENVELOPE CO., UPPER DARBY, PA.

THE STATE COMMISSION ON CONSERVATION AND DEVELOPMENT OF VIRGINIA

vs.

CASSANDRA LAWSON ADKINS, ET ALS, and 74 acres of land in Rockingham County, Virginia.

No. 76 at Law

Statement of John K. Haney, owner
(Arbitration)

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

AUG 28 1933

Robert K. Hunter Clerk

I, John K. Haney, am the sole owner in fee simple of tract of land consisting of 74 acres, more or less, shown on the County Ownership Map filed in the condemnation proceeding as No. 76. This real estate is situate on the summit of the Blue Ridge Mountain in Rockingham County, Virginia on either side of the Skyland Trail at a point where said Trail intersects the Spotswood Trail, that it is 42 miles from where this land is located to the nearest public highway (Lee Highway) intersection ^{of} said Skyland Trail, and is, therefore, quite naturally, ideally located as a business site, is well improved, well watered, and according to my estimate the value of said property is as follows:

6-room frame dwelling	\$ 1,200.00
Barn 24x36	500.00
Storehouse 24x32	750.00
Grainary 12x14	50.00
New spring house	25.00
Tool house	5.00
Woodshed	5.00
New sheep stable	25.00
Old sheep stable	5.00
Toilet building	7.50
New filling station (actual cost)	833.00
Filling station site ($\frac{1}{2}$ acre)	2,500.00
210 fruit trees @ \$5 each	1,050.00
73 acres of land (68 acres tillable and 5 acres in timber) @ \$50 per acre	<u>3,650.00</u>
	\$10,605.50

John K. Haney

D. W. Eason
Counsel

STATE OF VIRGINIA,

CITY OF HARRISONBURG, to-wit:

This day personally appeared before the undersigned, a notary public in and for the city aforesaid, in the State of Virginia, John K. Haney, who made oath that the facts set out in the foregoing statement are true to the best of his knowledge and belief.

^gGiven under my hand this 28th day of August, 1933.

Pauline W. Andrews
Notary Public

My commission expires March 7, 1936.

HANEY, JOHN K.
76
ROCKINGHAM COUNTY

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

SEP 9 1933

Robert Switzer Clerk

IN RE. ARBITRATION AGREEMENTS submitted to the Governor arising in or out of Condemnation Proceedings pending in the Circuit Court of Virginia under authority of the Shenandoah National Park Act.

SUMMARY STATEMENT OF PETITIONER:

EXCEPTANT: Haney, John K.

ORIGINAL CLAIM: Acreage 114 : Value \$6,825.00 : Inc.Damages, None

VALUE PLACED ON TRACT BY PETITIONER'S APPRAISERS:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
76	\$4,076.00	None

BOARD OF APPRAISAL COMMISSIONERS FINDINGS:

MAP NUMBER OF TRACT: 76

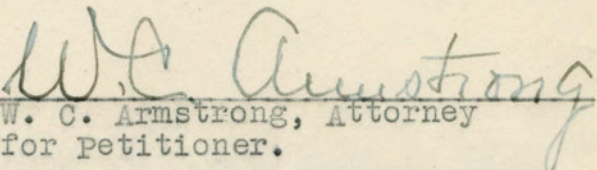
VALUE OF TRACT:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
76	\$5,065.00	None

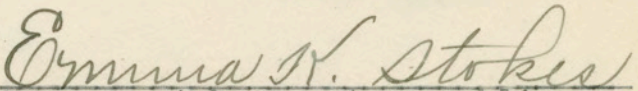
The basic differences between petitioner and this exceptant are as to the classification and value of the land, improvements, and buildings.

Although we believe the values reported by the petitioner's appraisers were very liberal and that the findings of the Board of Appraisal Commissioners as to values are substantially too high, we have accepted and will not seek a lower valuation than their findings as shown on the above tables in this case.

As to the classification of the land and the other elements of value we submit that these matters are correctly set forth in the Work Sheet of the Board with reference to this case, and not as set forth in exceptant's statements. This Work Sheet is filed with the record and a copy of this Work Sheet is submitted with copy of the record tendered herewith, and additional copies of the Work Sheet in this case will be furnished if desired.


W. C. Armstrong, Attorney
for Petitioner.

Subscribed to and verified before me this the 8th day of September, 1933.


Emma K. Stokes, Notary Public.

HANEY, JOHN K.
#83
GREENE COUNTY

IN RE. ARBITRATION AGREEMENTS submitted to the Governor arising in or out of Condemnation Proceedings pending in the Circuit Court of Virginia under authority of the Shenandoah National Park Act.

SUMMARY STATEMENT OF PETITIONER:

EXCEPTANT: Haney, John K.

ORIGINAL CLAIM: Acreage 114 : Value \$6825.00 : Inc.Damages, None

VALUE PLACED ON TRACT BY PETITIONER'S APPRAISERS:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
83	\$1289.00	None

BOARD OF APPRAISAL COMMISSIONERS FINDINGS:

MAP NUMBER OF TRACT: 83

VALUE OF TRACT:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
83	\$1760.00	None

Copies of this statement are attached to the statement of Petitioner filed in the County in which the major portion of the land lies and in which this exceptant has filed his statement.

Virginia, In the Circuit Court of Rockingham County,

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

Vs At Law, No. _____

Land owners in the Shenandoah National Park
Of Rockingham County, Va. Defendants.

Come now the undersigned and shows to the Court;

That whereas a judgement in rem has heretofore been entered in this proceedings condemning to the use of the Petitioner the fee simple estate in the tracts of land as follows;

Tract No. _____ of John K. Haney

and described in the report of the Board of Appraisal Commissioners, appointed for Rockingham County, Va. and

Awarded to said John K. Haney the sum of \$ _____

And whereas, H.K. Shelton and T.N. Graves have and hold a lien upon said tract of land, as evidenced by a trust deed executed by the said John K. Haney and Lula Haney his wife, ~~and~~ dated the 19th day of February 1932, and recorded in one of the Deed Books of the Circuit Court of Rockingham County Virginia, for the sum of \$350.00 and legal interest on same from the said 19th day of Feb. 1932. *and*

Wherefore; your undersigned pray^r that they be made a party herein under the provision of Section 21 of the Public Park Condemnation Act. and that an order be entered for the distribution of said sum of \$350.00 and legal interest from the 19th day of Feb. 1932, until paid. and

That the said sum as aforesaid together with interest as specified, be set aside and allocated to the said H.K. Shelton and T.N. Graves, and said amount be paid to them out of the amount awarded to said John K. Haney and Lula Haney his wife, said amount being deducted from said sum allowed or awarded them for their lands in the said Shenandoah National Park area.

and *they* will ever pray.

Dec. 14th 1933.

H K Shelton
T N Graves
Stanardsville, Va.

LEMUEL F. SMITH
JUDGE CIRCUIT COURT

RANDOLPH W. BICKERS
DEPUTY CLERK

B. I. BICKERS
CLERK OF GREENE COUNTY COURTS
STANARDSVILLE, VIRGINIA

Mr. J. R. Switzer,
Clerk Circuit Court
Harrisonburg, Va.

Dec. 14th 1933

My Dear Mr. Switzer;

I am enclosing you lien notice of H. K. Shelton and
T. N. Graves vs John K. Haney and Lula Haney his wife, in the landed estate
of theirs which lies in the Park Area, for which you will please file
along with the Park papers.

Thanking you in advance.

They did not know the
No. of tract and the first name
of party named in the proceedings.

LIST OF WITNESSES ON BEHALF OF J. K. HANEY in STATE COMMISSION
ON CONSERVATION & DEVELOPMENT v. J. K. HANEY

E. D. Ott, Harrisonburg, Va.

Jason E. Lyon, Harrisonburg, Va.

Lee Yates, Shenandoah, Va.--process directed to Sheriff of Page County.

Vernon Fultz, Swift Run, Va.

George F. Shifflett

Samuel Shifflett

Ches Shifflett, Island Ford, Va.

Marvin Mundy

W. T. Herring, Elkton

W. M. Heatwole, Harrisonburg, Va.

A. J. Williams

J. K. Shultz

Deliver processes for W.M. Heatwole and Jason Lyon to the sheriff, and deliver other processes to Mr. Haney, who will have service accepted, if not, he will bring process back Friday morning.

Rental value of filling station \$300.00 per year, indicating a value of at least \$3000.00 for the station.

Feb. 19

11:00 Harrisonburg

\$ 3⁰⁰

THE COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF ROCKINGHAM COUNTY, GREETING:

You are hereby commanded to summon E. D. Ott,
Jason E. Lyon, ^{Lee Yates} ~~Lee Yates~~, Vernon Fultz, George F. Shifflett,
Samuel Shifflett, Ches Shifflett, Marvin Mundy, W. T. Herring,
W. M. Heatwole, and A. J. Williams, to appear before the Board
of Arbitrators, at the Court House of Rockingham County, Vir-
ginia, on Monday, the 19th day of February, 1934, at 11 o'clock
a. m., to testify and the truth to say on behalf of the Defendant
in the condemnation proceedings of State Commission on Conserva-
tion and Development of the State of Virginia v. J. K. Haney.

And have then and there this writ.

IN WITNESS WHEREOF, I hereunto set my hand,
as Clerk of the Circuit Court of Rockingham County, Virginia,
at the Court House thereof, this, the 14th day of February,
1934, in the 158th year of the Commonwealth.

Robert Switzer, Clerk.

NOV 1 1934

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

STATE COMMISSION ON CONSERVATION
AND DEVELOPMENT OF VIRGINIA

Petitioner

v. At Law No. 1829

CASSANDRA LAWSON ATKINS AND OTHERS

Defendants

On this 29 day of July, 1935, came John K. Haney and on his motion leave is given him to file his application for disbursement of the sum of Forty-Nine Hundred Sixty-five Dollars (\$4965.00), the amount of the award fixed by the Arbitration Board set out in the judgment of condemnation of Tract No. 76 and heretofore paid into Court.

And likewise came Elizabeth Thompson, D. W. Earman, The Dill Company, a corporation, C. W. Beggs Sons & Company, Inc., The Weyers Cave Milling Company, a corporation, and the State Commission by counsel, who ask permission to file their answer to said application on Conservation and Development, which is accordingly done;

And it appears to the Court that John K. Haney is vested with a superior or better right of claim or title in and to said tract of land No. 76 than any other person or persons; that the taxes on said Tract No. 76 have been paid; and that the interest of said John K. Haney in said tract of land is subject to the liens of a certain deed of trust in favor of Elizabeth Thompson and D. W. Earman, they being the owners and holders of bonds for the sum of Eight Hundred Two Dollars (\$802.00), and four certain judgments, one in favor of The Dill Company, a corporation, amounting to \$13.44, one in favor of C. W. Beggs & Sons Company, Inc., amounting to \$61.65, one in favor of Weyers Cave Milling Company, a corporation, amounting to \$97.75, and the other in favor of State Commission on Conservation and Development of Virginia amounting to \$10.50.

Upon consideration whereof it is considered and ordered by the Court that said sum of Forty-Nine Hundred Sixty-five Dollars (\$4965) paid into Court by petitioner as just compensation for

Tract No. 76 be disbursed as follows:

1. To Elizabeth Thompson Two Hundred Twenty-nine Dollars (\$229.00), \$200.00 being principal amount of bond held by her, and \$29.00 being interest on said bond from February 20, 1933 to July 20, 1935;

2. To D. W. Earman Five Hundred Seventy-three Dollars (\$573.00), \$500.00 being principal amount of bond held by him, and \$72.50 being interest from February 20, 1933 to July 20, 1935, and 50¢ being Clerk's fee for releasing deed of trust lien securing the payment of said bonds;

3. To D. W. Earman, Attorney for The Dill Company, a corporation, the sum of Thirteen Dollars and Forty-four Cents (\$13.44), \$8.25 being the principal amount of said judgment, \$1.44 being interest on the principal amount from August 12, 1932 to July 12, 1935, and \$3.75 being costs of said judgment;

4. To D. W. Earman, Attorney for C. W. Beggs Sons & Company, a corporation, the sum of Sixty-one Dollars and Sixty-five Cents (\$61.65), \$49.48, being principal amount of said judgment and \$12.17 being interest on said principal amount from September 3, 1932 to July 3, 1935, and \$3.75 being the costs of said judgment;

5. To D. W. Earman, Attorney for the Weyers Cave Milling Company, a corporation, Ninety-seven Dollars and Seventy-five Cents (\$97.75), \$89.51 being the principal amount of said judgment, \$4.49 being interest on said principal amount from August 23, 1934 to June 24, 1935, and \$3.75 being costs of said judgment;

6. To the State Commission on Conservation and Development the sum of Seventeen Hundred Ten Dollars and Fifty Cents (\$1710.50), of which said sum \$10.50 is the amount of the judgment in favor of it against said John K. Haney for costs in action of unlawful detainer, and the balance, \$1700.00, is the amount heretofore advanced the said Haney for right of way through said tract of land No. 76, more particularly described in this proceeding;

7. The balance of said award, Twenty-two Hundred Seventy-Nine Dollars and Sixty-six Cents (\$2279.66) to be paid to John T.

Harris and D. W. Earman, Attorneys for the said John K. Haney.

And the Clerk of this Court is directed to transmit a certified copy of this order to the Treasurer of Virginia, who shall disburse this sum of Forty-nine Hundred Sixty-five Dollars (\$4965) as above set out, taking receipts from the said Elizabeth Thompson, D. W. Earman, D. W. Earman, Attorney for The Dill Company, a corporation, C. W. Beggs Sons & Company, a corporation, Weyers Cave Milling Company, a corporation, The State Commission on Conservation and Development of Virginia, and John T. Harris and D. W. Earman, Attorneys for John K. Haney, for the amounts paid them, and certify such payment to the Clerk of this Court for appropriate entry thereof as required by law.

Enter:

H. W. Bestram
Judge

*We consent to the entry
of this decree in vacation*

D. W. Earman
Weyers & Armstrong
Attorneys for State Commission on
Conservation & Development of the
State of Virginia.

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/ 381*

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

STATE COMMISSION ON CONSERVATION
AND DEVELOPMENT OF VIRGINIA

Petitioner

v. At Law No. 1829

CASSANDRA LAWSON ATKINS AND OTHERS

Defendants

The joint and separate answers of Elizabeth Thompson, D. W. Earman, The Dill Company, a corporation, and C. W. Beggs & Sons Company, a corporation, The Weyers Cave Milling Company, and the State Commission on Conservation and Development of Virginia, to a petition filed in this cause by John K. Haney.

These respondents for answer to said petition, or to so much thereof as they are advised it is material for them to answer, answer and say:

That it is true that petitioner conveyed the real estate more fully set out 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. 76 to D. W. Earman, Trustee, by deed of trust bearing date February 20, 1932 to secure Elizabeth Thompson in the payment of Two Hundred Dollars (\$200.00) with interest from February 20, 1933, and to secure D. W. Earman in the payment of Five Hundred Dollars (\$500.00) with interest from February 20, 1933.

And it is also true that there are four judgments against petitioner, one in favor of The Dill Company, a corporation, amounting to \$13.44, one in favor of C. W. Beggs & Sons Company, a corporation, amounting to \$61.65, one in favor of the Weyers Cave Milling Company, a corporation, amounting to \$97.75, and another in favor of State Commission on Conservation and Development amounting to \$10.50.

Your respondents join in the prayer of said petition for

the distribution of said fund as therein set out; and they will
ever pray, etc.

Elizabeth Thompson
By Counsel

P.W. Tanner

The Dill Company, a corporation
By Counsel

C. W. Beggs & Sons Company, a corporation
By Counsel

Weyers Cave Milling Company, a corporation
By Counsel

P.W. Tanner
Counsel

Weaver & Armstrong
Attorneys for State Commission
on Conservation & Development
of the State of Virginia.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

STATE COMMISSION ON CONSERVATION
AND DEVELOPMENT 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 petitioner, John K. Haney, respectfully represents:

That a judgment in rem has heretofore been entered in this proceeding condemning to the Use of petitioner the fee simple estate in a certain tract of land formerly the property of your petitioner, situate in the Blue Ridge Mountain in the eastern portion of Stonewall District, Rockingham County, Virginia, which tract is described in the report of the Board of Appraisal Commissioners appointed herein and shown, numbered, and delineated on the County Ownership Map filed herewith as Tract No. 76 at the price of Forty-nine Hundred Sixty-five Dollars (\$4965.00), less, however, the sum of Seventeen Hundred Dollars (\$1700.00) to be paid the State Commission on Conservation and Development of Virginia, which said amount said Commission has heretofore advanced the said Haney for right of way through said tract of land.

Your petitioner further shows to the Court that all taxes on said property have been paid to and including the year 1933, and he herewith files certificates to that effect from J. F. Greene
Early, on, Treasurer of ~~Rockingham~~ County, Virginia, and B. I. Robert
Greene
Bickers, Clerk of the Circuit Court of ~~Rockingham~~ County, which certificates are marked "Ex. Certificate No. One" and "Ex. Certificate No. Two," respectively, and that the same are prayed to be read as a part hereof.

Your petitioner further shows to the Court that there are five liens on this property, one deed of trust lien and four judgments:

1. Deed of trust executed by John K. Haney and Lula

A. Haney dated February 20, 1932 to D. W. Earman, Trustee, recorded in the Clerk's Office of Rockingham County, Virginia in Deed Book 151, page 352 securing the payment of two Homestead Waiver bonds bearing date February 20, 1932, one in the sum of Two Hundred Dollars (\$200.00 due and payable one year after date, and now held and owned by Elizabeth Thompson, and the other bond in the sum of Five Hundred Dollars (\$500.00) due and payable two years after date, and now held and owned by D. W. Earman, on which said bonds interest is due from February 20, 1933. The original deed of trust is herewith filed marked "Ex. Deed of Trust" and is prayed to be read as a part hereof.

2. Judgment in favor of The Dill Company, a corporation, against J. K. Haney for the sum of Eight Dollars and Twenty-five Cents (\$8.25), with interest from August 12, 1932 plus Three Dollars and Seventy-five Cents (\$3.75) costs, an abstract of which said judgment is herewith filed marked "Ex. Judgment No. One" and is prayed to be read as a part hereof.

3. Judgment in favor of C. W. Beggs Sons & Company, a corporation, against J. K. Haney for the sum of Forty-Nine Dollars and Forty-eight Cents (\$49.48), with interest from September 3, 1933, plus Three Dollars and Seventy-five Cents (\$3.75) costs, an abstract of which said judgment is herewith filed marked "Ex. Judgment No. Two" and is prayed to be read as a part hereof.

4. Judgment in favor of Weyers Cave Milling Company, a corporation, against J. K. Haney for the sum of Eighty-nine Dollars and Fifty-one Cents (\$89.51) with interest from August 25, 1934, plus \$3.75 costs, an abstract of which said judgment is herewith filed marked "Ex. Judgment No. Three" and is prayed to be read as a part hereof.

5. Judgment in favor of the State Commission on Conservation and Development of the State of Virginia for the sum of Ten Dollars and Fifty Cents (\$10.50), which said judgment

represents costs against the said Haney in action of unlawful detainer brought by the State Commission on Conservation and Development. An abstract of said judgment is herewith filed marked "Ex. Judgment No. Four" and is prayed to be read as a part hereof.

That no other person or persons than your petitioner and Elizabeth Thompson, D. W. Earman, The Dill Company, Inc., C. W. Beggs Sons & Company, Inc., Weyers Cave Milling Company, Inc., and the State Commission on Conservation and Development are entitled to share in said award.

Wherefore, your petitioner prays that he may be made a party herein and allowed to file his petition in these proceedings; that the said Elizabeth Thompson, D. W. Earman, The Dill Company, Inc., C. W. Beggs Sons & Company, Inc., Weyers Cave Milling Company, Inc., and the State Commission on Conservation and Development may be made parties 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 petitioner may have such other and further relief as the nature of his case may require.

John K. Haney,

STATE OF VIRGINIA,

CITY OF HARRISONBURG, to-wit:

This day John K. Haney, the petitioner in the above entitled matter, personally appeared before me, Pauline M. Andrus, a notary public in and for the city and state aforesaid, in my city aforesaid, and being duly affirmed, deposes and says:

That I am the petitioner in the above entitled matter. I am acquainted with the contents of the above petition, and do hereby state that the matters of fact therein set forth are true to the best of my knowledge and belief.

Subscribed and sworn to before
me this 20th day of July, 1935.

Pauline M. Andrus, N.P.

John K. Haney,



J. F. EARLY
TREASURER

Greene County, Virginia

OFFICE OF COUNTY TREASURER
COURT HOUSE
STANARDSVILLE, VIRGINIA

Hon. H. W. Bertram, Judge of the Circuit Court of Rockingham County,
Harrisonburg, Va.

Dear Judge:

This is to certify that all taxes on REAL ESTATE in Greene County, Virginia, that are assessed in the name of John K Haney, are paid in full at the County Treasurer's Office.

Given under my hand this 27th Day of June 1934.

J. F. Early Treasurer of Greene County Va.

"Exhibit certificate NO. 1"

B. I. BICKERS
CLERK OF GREENE COUNTY COURTS
STANARDSVILLE, VIRGINIA

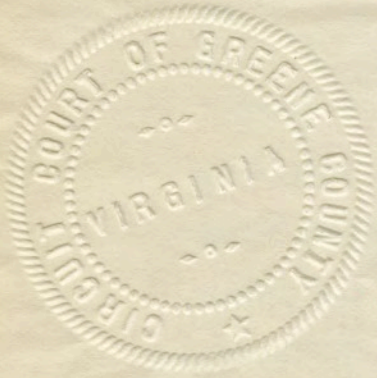
To Hon. H.W. Bertram,
Judge Circuit Court of
Rockingham County Va.

My Dear, Judge;

This is to certify that all of John K. Haney's land that lies in the Shenandoah National Park, which lies on top of Blue Ridge Mountain lies in both counties that is Greene and Rockingham is assessed in Greene County, and Mr. Haney paid all his land taxes in Greene county, and there are no delinquent taxes on same.

June 27th 1934.

B. I. Bickers Clerk.



"Exhibit Certificate No. 2"

THIS DEED made this 20th day of February, 1932, by and between John K. Haney and Lula A. Haney, 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) 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 covenant of general warranty unto the said D. W. Earman, Trustee, party of the second part, all that certain tract or parcel of land together with the improvements thereon and appurtenances thereunto belonging, situate in Rockingham and Greene Counties, Virginia, adjoining the lands of J. A. Haney, T. L. Dean, Q. E. Smith, and others, and more particularly described as follows: "Beginning in the middle of the turnpike road, corner with said James A. Haney, thence with an old road to be used by said James A. Haney and John K. Haney, N $56\frac{1}{2}$ E 2 $\frac{2}{25}$ poles, N 19 E 12 $\frac{2}{5}$ poles, N 5 E 10 $\frac{4}{5}$ poles, N 24 E 8 $\frac{2}{5}$ poles, N 2 W 6 poles, N $35\frac{1}{2}$ W 14 poles, N $17\frac{1}{2}$ W 4 $\frac{4}{5}$ poles, a chestnut oak, thence leaving said road N $46\frac{1}{2}$ E 48 $\frac{17}{25}$ poles to a maple near a spring, thence N 6 W 3 $\frac{7}{25}$ poles to a mahogany and two gums, thence N 46 W 25 poles to a stake at said road, thence with said road N $64\frac{1}{2}$ E 12 $\frac{14}{25}$ poles, N 65 E 8 $\frac{8}{25}$ poles, N $67\frac{3}{4}$ E 28 $\frac{4}{5}$ poles to a large rock at the end of said road, thence N $20\frac{1}{2}$ W $67\frac{1}{2}$ poles to a horn beam, thence N $1\frac{1}{2}$ E $25\frac{1}{4}$ poles to five chestnuts in Knighten's line, thence with old line to the beginning, containing 115 acres, more or less. There is excepted from this conveyance, however, about one-eighth of an acre of land on the north side of the pike, bounded as follows: Beginning at a maple in the north side of said road, thence N 40 E 2 poles to a stake, thence S 56 E 10 poles to a stake in road 16 links from a locust, thence with said road to the pike, thence

"DEED OF TRUST EX. No. 1"

with said road to the beginning." This is a part of the same real estate conveyed to James A. Haney and John K. Haney by Mary E. Haney, and others, by deed bearing date May 26, 1906, of record in the clerk's office of Green County, Virginia in Deed Book 14, page 434, said real estate being the larger portion of the same real estate in which James A. Haney conveyed to John K. Haney, all his right, title, interest, and equity by deed bearing date September 19, 1908 and recorded in the clerk's office of Green County, Virginia in Deed Book 17, page 39. There is also excepted and not included in this conveyance 8.26 acres of land conveyed by these grantors to the State Commission on Conservation and Development of the State of Virginia, by deed bearing date June 10, 1931, of record in the clerk's office of Rockingham County, Virginia in Deed Book 150, page 66, less also about one-eighth of an acre conveyed to Margaret E. Mundy located on the west side of the Spotswood Trail.

IN TRUST NEVERTHELESS to secure the payment of SEVEN HUNDRED DOLLARS (\$700.00) principal, and all interest hereafter accruing on same, which principal sum is evidenced by two Homestead Waiver bonds of even date herewith executed by John K. Haney and Lula A. Haney, due and payable to Bearer, ~~or order~~, one in the sum of Two Hundred Dollars (\$200.00) due in one year, and the other in the sum of Five Hundred Dollars (\$500.00) due in two years, said bonds bearing interest from date at six per cent, payable semi-annually, *and are identified by the Trustee's signatures enclosed therewith*

Insurance required \$1200.00

It is understood and agreed between the parties hereto that if there shall be any default in the payment of said bonds, or either of them, or in the payment of interest thereon when due, or failure to keep the property insured, then the total debt herein secured shall become due and payable and the Trustee herein upon the request of the holders of said bonds, or either of them, 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 thereto.

It is understood and agreed also 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.

John K. Haney (SEAL)
Lula A. Haney (SEAL)

VIRGINIA, COUNTY OF ROCKINGHAM, to-wit:

I, N. B. G. Gentry, a notary public in and for the county and state aforesaid, whose commission expires 13th of January 1936, do certify that ~~John K. Haney and~~ Lula A. Haney, ~~his wife~~, whose names ~~are~~ ^{is} signed to the foregoing writing bearing date February 20, 1932, ~~have~~ ^{has} acknowledged the same before me in my said county.

Given under my hand this 22 day of February, 1932.

N. B. G. Gentry N.P.

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 8, 1932, do certify that John K. Haney, whose name is signed to the foregoing writing bearing date February 20, 1932, has acknowledged the same before me in my said city.

Given under my hand this 20th day of February, 1932.

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 22nd day of Feb. 1932, 10:00 A.M.

Tests: Robert Switzer Clerk

JOHN K HANEY & WIFE

TO)

D W EARMAN TRUSTEE

DEED OF TRUST

Tax \$ 84 Fees \$ 206
Transfer \$ X Total \$ 290

Admitted FEB 23 1932 10:00 am.

Robert Switzer Clerk
Rockingham County, Va.

Harrisonburg, Va. Feb. 25 1932
Recorded in Deed Book
No. 957 page 35 1/2 M
Robert Switzer
County Clerk.

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

STATE COMMISSION ON CONSERVA-
TION & DEVELOPMENT OF VIRGINIA

vs.

CASSANDRA LAWSON ADKINS, et
als and 74 acres more or less
of land in Rockingham County
Virginia

No. 76 at Law

Statement of John K. Haney

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

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

August 28, 1933

Hon. Phillip Williams, Chairman
Land Tract Board of Arbitration
Winchester, Virginia

Dear Sir:

This is to advise you that D. W. Earman is my attorney in the matter of the condemnation of 73 acres of land, No. 76 at law, in the matter of the State Commission of Conservation and Development of the State of Virginia against 75 acres of land situate in Rockingham County, Virginia.

Very truly yours,

John R. Haney

NOTE—This need not be filed until the record discloses that the awards have been paid into the custody of the Courts.

MAY 1 1984
J. Robert Switzer Clerk

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. 76 : Tract No. : Tract No. ; and described in the report of the Board of Appraisal Commissioners appointed therein 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. 76 \$ 4965.00 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. K. HANEY

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) of 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:—

Under the terms of a duly recorded contract and deed conveying the Skyline roadbed running through this tract, the owner granted and conveyed to the undersigned, the right to receive from said proceeds, the sum of \$ 1717.00

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:

The above mentioned claimant to the extent that he may be able to establish his 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. 76 \$ 1717.00 Tract No. \$: Tract No. \$;

The undersigned further aver(s) that: (Leave this space blank unless there is some other pertinent matter to be brought especially to the attention of the court)



NAME

P. O. ADDRESS

STATE COMMISSION ON CONSERVATION AND DEVELOPMENT

BY *W. C. Cleverly*
COUNSEL

NOTE—A supply of this blank 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.

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. 76 : 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;

J. K. Haney

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 owner, J. K. Haney, to give 15 acres of his 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. 76 \$ 45.00 : 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.

NOTE—This need not be filed until the record discloses that the awards have been paid into the custody of the Court.

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. 76
Tract No. ; Tract No.

and described in the report of the Board of Appraisal Commissioners appointed herein and shows, num-
bered, and delineated on the County Ownership Map filed in the County Clerk's office, that the
Court of the sum(s) set out in the said judgment as constituting
STATE OF VIRGINIA)
COUNTY OF WARREN) SS
Award on Tract No. ; on Tract No. ; on Tract No.

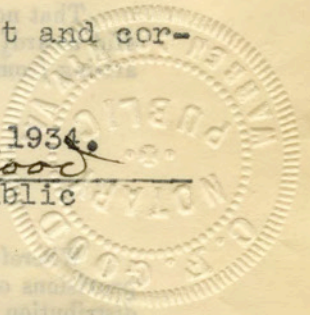
Personally appeared before me the undersigned Notary

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 dis-
tributive shares of condemnation awards in the Shenandoah
National Park condemnation proceedings pending in the Circuit
Courts of Virginia, by reason of contracts and agreements en-
tered into with the owners of lands sought to be condemned in
these proceedings, and that the within claim is just and cor-
rect.

Witness my signature this 8th day of January, 1934.

Lehas A. Good
NOTARY PUBLIC Notary Public

My Commission Expires Sep. 8, 1934.



NOTE—Your undersigned pay(s) that (s) (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. 76 \$ 45.00 : Tract
No. : Tract No.
The undersigned further aver(s) that: (Leave this space blank unless there is some other part
of the matter to be brought specially to the attention of the court.)

NAME
STATE COMMISSION ON CONSERVATION
& DEVELOPMENT
[Signature]

NOTE—A copy 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 motion in any form they may de-
sire 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.

State Commission on Conservation and
Development

J. K. Haney,

This 5th day of January 1935,
came the parties by their attorneys, and upon
motion of the plaintiff, leave is granted by the
court for the withdrawal of its application,
without prejudice.

ent H. B.

31
303

Circuit Court of the County of Rockingham on Friday, the 10th day of May, in the year of our Lord, nineteen hundred and thirty-five.

Present: Hon. H. W. Bertram, Judge.

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

Petitioner

v. Petition

John K. Haney and Lula A. Haney

Defendants

This day came again the parties by their attorneys, and the jury impanelled and sworn for the trial of this case came pursuant to adjournment, and having heard all the evidence, the plaintiff thereupon moved the Court to strike out all of the evidence presented in favor of the claim of the defendants as set out in the bill of particulars and cross claim filed herein, except so much of the evidence as relates to damages sustained by the defendants in the removal and destruction of the hen house as set out in said bill of particulars and cross claim, and as to said damages the plaintiff admits liability, which motion the Court sustains, ^{and} the jurors were then sent to their room to consider their verdict, and after some time they came again into court and returned the following verdict:

"We, the jury, on the issues joined, find that the State Commission on Conservation and Development do recover of J. K. Haney and Lula A. Haney the sum of \$2000.00 claimed in its petition, from which sum shall be deducted the sum of \$283.00, the ascertained value of the 8.26 acres of land included in the Skyline Drive Highway, and a further credit of \$17.00 damages caused by the failure of the State Commission on Conservation and Development to restore the hen house as set out in defendant's claim of set off. J. Fillmore Crawford, foreman."

Whereupon, the defendant, John K. Haney, by his attorney, moved to set aside the verdict of the jury and to grant defendants a new trial on the following several grounds: (1) Because the verdict is contrary to the law and the evidence.

(2) Because the court declined to permit proper evidence offered by defendants and excluded the same from the jury, and permitted the introduction of improper evidence offered by the petitioner, and over the objection of defendants.

(3) Because the court refused proper instructions offered by the defendants, and granted improper instructions offered by petitioner, and improperly modified instructions tendered by defendants.

(4) Because the court, upon the motion of defendants, declined at the end of the introduction of petitioner's evidence, to sustain a motion to strike the testimony of petitioner.

(5) Because the Court improperly overruled the demurrer of defendants to the petition.

(6) Because the verdict of the jury is excessive.

Whereupon, it is considered by the court that the motion of defendants be denied, and it is accordingly considered by the court, and the court doth ad-

judge, that the petitioner, the State Commission on Conservation and Development, do recover out of the fund to the credit

of the cause, and under the control of the court, and standing in the name of John K. Haney and wife, and that there shall be

paid to the said Commission from the said fund, the sum of One Thousand Seven Hundred Dollars (\$1,700.00), the amount found by

the verdict of the jury in this proceeding, to which action of the court in overruling said motion and entering judgment

herein, the defendants, by counsel, excepted. Defendants expressing an intention to apply for a writ of error to the Supreme Court of Appeals of Virginia to the judgment of the court,

the execution of this judgment is stayed for the period of 60 days to enable the defendants to apply for the said writ of error.

The fund (\$4,965.00) being now in the hands of the court to the credit of John K. Haney in this cause, no suspending bond is required.

A COPY

Atteste: _____, Clerk.

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 al, and
fifty-two thousand five hundred and sixty-
one (52,561) acres of land, more or less,
in Rockingham County, Virginia

Defendants

In Re: Distribution of proceeds of
Condemnation of Tract #76.

This proceeding came on this day to be heard upon all the papers formerly read and filed and proceedings heretofore had and upon the petition of the petitioner claiming a portion of the proceeds of condemnation for said Tract No. 76, filed herein on the 22d day of March, 1935, and upon the deed from John K. Haney and wife to the petitioner, filed as an exhibit with said petition; and upon the demurrer in writing of John K. Haney, a party hereto, this day filed by leave of Court, and was argued by counsel:

And upon consideration whereof the Court doth overrule and dismiss said demurrer, to which action of the Court said John K. Haney, by counsel, excepted; and upon the motion of said petitioner by counsel, said John K. Haney is required to file herein, not later than May 1, 1935, his grounds of defense to the plaintiff's petition; and it being suggested by counsel for said Haney that one of his defenses would be a claim for damages suffered by reason of the failure of the petitioner to perform obligations imposed by said deed, it is ordered that said John K. Haney do file an itemized statement of the damages suffered or claimed to have been suffered by him by reason thereof.

And it appearing that said defendant, John K. Haney, desires a trial by jury of the issues involved, it is ordered that this case be continued and set for trial on May 8th, 1935, at 10:00 o'clock, a. m.

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

vs

At Law #

Cassandra Lawson Atkins et al
^{heirs and sixty-one (5,2561)}
and fifty-two thousand four acres of land more or less
in Rockingham County Virginia,
Defendants

In re: Distribution of proceeds of
Condemnation of Tract # 76.

This proceeding came on this
day to be heard upon all the papers
formerly read and filed and
proceedings heretofore had and
upon the petition of the petitioner
claiming a portion of the proceeds of
condemnation for said tract No. 76,
filed herein on the 22nd day of March
1935 and upon the deed from
John H. Haney and wife to the
petitioner, filed as an exhibit
with said petition; and upon
the demurrer in writing of
John H. Haney a party hereto, this
day filed by leave of Court
and was argued by counsel;
and upon consideration whereof
the Court doth overrule and
dismiss said demurrer, to
which action of the Court, said

John K. Haney, by counsel
accepted; and upon the motion
of said petitioner by counsel, said
John K. Haney is required to file
herein not later than May 1st
1935 his grounds of defense to
the plaintiff's petition and it
being suggested by counsel for
said Haney that one of his defenses
would be a claim for damages
suffered by reason of the failure of
the petitioner to perform
obligations imposed by said
deed, it is ordered that said
John K. Haney do file an
itemized statement of the damages
suffered or claimed to have been
suffered by him by reason
thereof.

And it appearing that said
defendant John K. Haney desires a
trial by jury of the issues
involved, it is ordered that this
case be continued and set for trial
on May 5th, 1935, at 10:00 o'clock
a.m.

20 / 24 4/25/35

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

State Commission on Conservation
and Development..... Petitioner

v.) Demurrer

John K. Haney and Lula A. Haney,
his wife..... Defendants

Defendants Crave over of the deed mentioned in petition of the State Commission on Conservation and Development, and the same being treated as read, the defendants demur to the alleged claim of petitioner on the following several grounds:

(1) Because the petitioner does not allege performance by it of the covenants and agreements contained in the said deed, to be kept, done and performed, and does not explain or excuse the said failure to so set forth and perform the said agreements by the said petitioner solemnly agreed to be kept, done and performed by it.

(2) Because the said petitioner does not set forth any proper cause of action for the said \$2,000.00 alleged by petitioner to be due from the said defendants.

(3) Because the petitioner has mistaken the form of action, that is to say, the petitioner is without authority to proceed to determine the controversy between petitioner and defendants in the condemnation proceeding, and in the form and manner set forth in the said petition.

(4) That the court is without jurisdiction to hear and determine the matter set forth in the manner and form set forth in said petition.

State Commission on Conservation
and Fvelopment, Petitioner

v.) Demurrer

John K. Haney and Lula A.
Haney, his wife, Defendants

VIRGINIA. IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY.

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

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

MAR 22 1935

v.

J. Robert Smitzer Clerk

Cassandra Lawson Atkins and others, and fifty-two
thousand, five hundred and sixty-one (52,561) acres
of land, more or less, - - - - - Defendants.

TO THE HONORABLE H. W. BERTRAM, JUDGE OF SAID COURT:

Your petitioner, the State Commission on Conservation and Development, respectfully shows that by a judgment in rem, entered in the above styled proceeding on the 28th day of February, 1934, Tract No. 76 delineated and described on the County Ownership Map returned and filed with the report of the Board of Appraisal Commissioners and Special Investigators, was condemned for the use of petitioner and compensation and damages for the taking thereof, were fixed and ascertained to be the sum of \$4965.00;

That it appears from an order entered in said proceeding on the 16th day of May, 1934, petitioner paid into the custody of the Court, the aforesaid sum of \$4965.00 to be distributed to the party or parties entitled thereto;

That during the progress of the above styled proceeding and before the entry of said judgment in rem, one J. K. Haney filed in writing with the record on the 10th day of February, 1930, a claim setting forth that he was the sole owner of the said tract;

That during the pendency of said proceedings and before the entry of the said judgment in rem, to-wit: on June 10th, 1931, the said J. K. Haney granted and conveyed unto your petitioner, a portion of said tract described as follows:

"A strip or parcel of land 100 feet in width and located 50 feet on each side of a blazed or staked line, running through that tract or parcel of land of the parties of the first part, situated on top of the Blue Ridge mountains in and near Swift Run Gap adjoining the lands of T. L. Dean, J. A. Haney and others." The consideration for said conveyance of said strip was the sum of \$2000.00 cash paid by your petitioner to the said J. K. Haney. The deed of conveyance for the same is dated June 10th, 1931, and

is of record in the Clerk's Office of this Court, in Deed Book No. 150, at page 166, and said deed is herewith exhibited, marked for identification Exhibit No. 1 and asked to be read as a part of this petition.

In said deed it was provided among other things, "that the land above referred to and through which the strip hereby conveyed runs is situated within that portion of Rockingham County, Virginia, now sought to be acquired by the party of the second part by condemnation proceedings now pending in the Circuit Court of said County for use as a public park or for public park purposes, and it is understood and agreed that when said land shall have been acquired by the party of the second part by judgment of award of said Court, the sum of \$2,000.00, consideration of this conveyance, shall be deducted from the amount of such judgment of award and shall be treated as a credit on account of the amount of such judgment of award."

That no person other than the said J. K. Haney has filed in this proceeding any claim of right, title, interest or estate in and to said tract or parcel of land, or to the proceeds of condemnation thereof, and it appears from the record of said proceedings that said J. K. Haney, is entitled to the proceeds of condemnation for said tract, subject, however, to this claim of petitioner;

Petitioner avers that the said sum of \$4965.00 has not been distributed and yet remains in the custody of this Court, and that by reason of the provision contained in said deed of conveyance above set out, petitioner is entitled to be paid out of said proceeds of condemnation, the sum of \$2000.00;

Petitioner, therefore, prays, that it may be allowed to file this its petition; that the said John K. Haney may be made a party defendant thereto and required to answer the same but not under oath, which is waived; and that an order may be entered directing the Treasurer of Virginia to pay to it, out of the funds held by said Treasurer to the credit of this Court, in this proceeding, said sum of \$2000.00, and, petitioner will ever pray, etc.

STATE COMMISSION ON CONSERVATION & DEVELOPMENT
of the State of Virginia.

BY

Weaver & Chesney

COUNSEL.

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

v.
Cassandra Lawson Atkins, etc. et als,
Defendants,

PETITION.

*Claim of the Commission
for reimbursement out of
J. H. Haney Award for
right of way purchased.*

will ever pay, etc.

of this Court, in this proceeding, said sum of \$2000.00, and, petitioner
Virginia to pay to it, out of the funds held by said Treasurer to the credit
is waived; and that an order may be entered directing the Treasurer of
defendant thereto and required to answer the same but not under oath, which
file, this its petition; that the said John H. Haney may be made a party
petitioner, therefore, prays, that it may be allowed to
sum of \$2000.00;

petitioner is entitled to be paid out of said proceeds of condemnation, the
reason of the provision contained in said deed of conveyance above set out,
been distributed and yet remains in the custody of this Court, and that by
petitioner avers that the said sum of \$4966.00 has not
to this claim of petitioner;

is entitled to the proceeds of condemnation for said tract, subject, however,
and it appears from the record of said proceedings that said J. H. Haney,
to said tract or parcel of land, or to the proceeds of condemnation thereof;

in this proceeding, the claim of right, title, interest or estate in and
franked as a credit on account of the amount of such judgment of award. "
shall be deducted from the amount of such judgment of award and shall be
awarded said Court the sum of \$2,000.00, consideration of this conveyance,
shall have been satisfied by the amount of the second part by judgment of
public bank purchase and it is understood and agreed that when said land
bonding in the first of said County for use as a public park or for
be secured by the first of said County for use as a public park or for
award within that portion of Rockingham County, Virginia, now sought to
land above referred to and through which the strip hereby conveyed runs is

In said deed it was provided among other things, "that the
Exhibit No. 1 and asked to be read as a part of this petition.

page 106, and said deed is herewith exhibited, marked for identification
is of record in the Clerk's Office of this Court, in Deed Book No. 150, at

BY
STATE COMMISSION ON CONSERVATION & DEVELOPMENT
of the State of Virginia
John H. Haney

LAW OFFICES
WEAVER & ARMSTRONG
FRONT ROYAL, VIRGINIA

April 5th, 1935.

Mr. J. Robert Switzer, Clerk,
Harrisonburg,
Virginia.

Dear Sir:

When I filed recently, the petition of the State Commission on Conservation & Development v. J. K. Haney, I find that I failed to file his deed to the Commission, which the petition called for as an exhibit.

I am herewith enclosing the same to you and request you to mark it as an exhibit with your petition.

a/t.

Yours very truly,

W. C. Armstrong

THIS DEED, made and entered into this 10th. day of June, 1931, by and between J. K. Haney and Lula A. Haney, his wife, parties of the first part, and the State Commission on Conservation and Development of the State of Virginia, party of the second part;

WITNESSETH: That, for and in consideration of the sum of TWO THOUSAND DOLLARS (\$2,000.00), cash in hand paid, the receipt whereof is hereby acknowledged, the said parties of the first part do grant and convey, with general warranty of title, unto the said party of the second part, a strip or parcel of land 100 feet in width and located 50 feet on each side of a blazed or staked line running through that tract or parcel of land of the parties of the first part situated on top of the Blue Ridge Mountain in and near Swift Run Gap, adjoining the lands of T. L. Dean, J. A. Haney and others.

A further consideration of this conveyance shall be that the party of the second part, its successors or assigns, is to assume the responsibility for the moving off of the strip hereby conveyed of the following buildings: The residence to be moved not over 200 feet from its present location and to be placed upon a concrete foundation with its footing below frost line depth and the store building to be moved not over 300 feet from its present location and to be placed on a foundation at least of as good quality as its present one and the hen house to be moved not over 300 feet from its present location; the party of the second part, its successors or assigns, being liable for any damage to the buildings and to the furnishings of the dwelling resulting from the moving thereof.

IT IS further understood and agreed that the said party of the second part, its successors or assigns, shall enclose the land hereby conveyed with a Number 9-49 woven wire fence; the posts for said fence to be either metal or sound locust and spaced

not exceeding fourteen feet apart; said fence to be provided with two gates on each side of the roadway proposed to be constructed over said strip hereby conveyed, said gates to be located at such points as the parties of the first part shall designate; also it is understood and agreed that the said party of the second part, its successors or assigns, will construct and install one cattle underpass, the same to be not less than 6 feet by 6 feet, to be located at a point to be selected by the parties of the first part, and such pass and fences to be constructed and completed before the roadway aforesaid shall be thrown open to public travel.

IT IS further understood and agreed that the party of the second part, its successors and assigns, shall, during the construction of the contemplated roadway herein referred to, be responsible in damages for any harm or damage done or occasioned to the cattle or other live stock of the parties of the first part that may wander, stray away, or get off of the land of the party of the first part on account of the opening or destruction or removal of the fences, or any of them, now enclosing the lands through which the strip hereby granted and conveyed runs.

× THE land above referred to and through which the strip hereby conveyed runs is situated within that portion of Rockingham County, Virginia now sought to be acquired by the party of the second part by condemnation proceedings now pending in the Circuit Court of said County for use as a public park or for public park purposes, and it is understood and agreed that when said land shall have been acquired by the party of the second part by judgement of award of said Court, the sum of \$2,000.00, consideration of this conveyance, shall be deducted from the amount of such judgement of award and shall be treated as a credit on account of the amount of such judgement of award.

Witness the following signatures and seals:

J. K. Haney (SEAL)
Lula A. Haney (SEAL)

State of Virginia,

County of Rockingham, to-wit:

I, H. B. Gentry, a Notary Public
in and for the State of Virginia and County of Rockingham,
do certify that J. K. Haney and Lula A. Haney, his wife,
whose names are signed to the foregoing deed, dated the
10th. day of June, 1931, have each acknowledged ~~the~~ same
before me in my County aforesaid.

Given under my hand this 12th day of June, 1931.

H. B. Gentry
NOTARY PUBLIC.

My Commission expires on the

1st day of Dec., 1931.

VIRGINIA: In the Clerk's Office of the Circuit Court
of Rockingham County, the foregoing deed of
B. & Sale was this day presented in the
office aforesaid, and is together with the certificate
of acknowledgment annexed, admitted to record
this 17th day of July, 1931, 4:15 P. M.

Teste: J. Robert Smith, Clerk

The Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon C. S. Keller (Mt. Crawford),
Jesse Sims, and C. F. Shifflett, S. M. Huffman, and E. G.
Beasley,

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House, on the
25th day of April, 1935, ^{9:50} a .m., to testify and the truth to say on behalf of ~~Plaintiff~~

Defendant, J. K. Haney, *x wife*
in a certain matter of controversy in our said Court, pending and undetermined between
State Commission on Conservation & Development of the Plaintiff
and State of Virginia

J. K. Haney, Defendant

And have then and there this Writ.

In witness whereof, I hereunto set my hand, as the Clerk of the Circuit Court of Rockingham County,
Va., at the Court House thereof, this, the 23 day of April,
1935, and in the 199th year of the Commonwealth.

J. Robert Switzer, Clerk
By Margie Danner, D.C.

J. K. HANEY

STATE COM. ON CONSERVA-
TION & DEVELOPMENT

F. S. TAVENNER, p.d.

1935

Apr. 25

Clerk

LAW OFFICES
TAVENNER & BAUSERMAN
WOODSTOCK, VIRGINIA

May 1, 1935

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

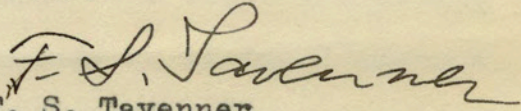
Dear Mr. Switzer:

Re: State Commission on Conservation
and Development v. John K. Haney.

I am enclosing herewith two papers, namely,
Statement of Defense , and Bill of Particulars, which
I will thank you to file with the papers in the above
styled suit, and mark the same "Filed".

Thanking you, I am,

Yours truly,


F. S. Tavenner

R/Enc. 2

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

The State Commission on Conservation
and Development,

v.) Statement of Defense.

John K. Haney and Lula A. Haney, his wife.

MAY 2 1935

Robert Switzer Clerk

ANSWER OF JOHN K. HANEY AND LULA A. HANEY, his wife, to petition of The State Commission on Conservation and Development against these defendants, arising by reason of funds found to be due defendant Haney in the condemnation of his lands.

(1) Defendants suggest that there is pending now in the Supreme Court of the United States a suit by Via and others involving the right of the Federal Government, and as incident thereto the State Government, to appropriate the lands in the Park area, of which defendants' lands are part, and suggest the impropriety of ~~trying~~ trying the pending proceeding while the said proceeding ~~is~~ ~~is~~ in the U. S. Supreme Court is so pending, and ask that no hearing be made by the court of this matter until disposition be made of the said proceeding.

(2) Defendants show that in proceedings instituted by petitioner, commissioners were appointed to appraise the lands of defendants, which was accordingly done, but without a hearing afforded defendants; that an appraisal was made which was returned subsequently to the Court, to-wit, on the ___ day of _____, 19___, and to this report exceptions were filed, but subsequently defendants consented

to arbitration before a tribunal consisting of three judges designated by the Government, to-wit, on or about the _____ day of _____, 19____, and upon a hearing in which witnesses testified, to-wit, on the 2d day of February, 1934, an award was made by said tribunal, and the amount of damages in favor of defendants was fixed at \$4,965.00, which sum on the 6th day of May, 1934, was paid into court,

(3) Defendants aver that during the pendency of the proceedings for condemnation, and before the arbitration was consented to, to-wit, on the 10th day of June, 1931, defendants conveyed a strip of land 100 feet in width to petitioner upon consideration of Two Thousand Dollars (\$2,000.00) cash in hand paid, and in further consideration of the agreements of petitioner contained in said writing, to be kept, done and performed by the said petitioner, copy of which agreement is filed with this statement of defense, and marked "HANEY A".

(4) In the event, over the objection of defendants, the court decides that it is proper to proceed to determine the rights of petitioner to demand payment of any part of the amount awarded defendants, your defendants deny the right of petitioner to the said fund, or to any part thereof, and set forth the statement of facts and the grounds of defense, as follows:

The said agreement of June, 1931, provided for the moving of the residence building not over two hundred feet from its then location, and to be placed upon concrete foundation, with its footing to be below frost line depth; and the store building to be moved not over three hundred feet from its then location, and to be placed upon a foundation of at least as good quality as its then present one; and the hen house to be moved not over three hundred feet from its then location, and the said State Commission on Conservation and Development to be liable for any damage to the building and to the furnishings of the dwelling resulting from the moving thereof.

The agreement further provided that petitioner would enclose the land conveyed with No. 9-45 woven wire fence, the posts for said fence to be either metal or sound locust posts, spaced not exceeding fourteen feet apart, said fence to be provided with two gates on each side of the driveway proposed to be constructed over said strip conveyed, said gates to be located at such points as ~~the~~ defendant John K. Haney should designate; that the said State Commission would construct and install a cattle under-pass, the same not to be less than six feet by six feet, and to be located at a point to be selected by said Haney, and such pass and fence to be constructed and completed before the driveway should be thrown open to public traffic.

It was further agreed that during the construction of the said driveway, the State Commission should be responsible in damages for any harm or damage done or occasioned to the cattle or other livestock of the said defendant, that might wander, stray away or get off the land of the said defendant on account of the opening, or destruction, or removal of the fences, or any of them, then enclosing the lands through which the strip ran.

The said land was described as part of the land acquired by the State Commission by condemnation proceedings pending in the Circuit Court of the County of Rockingham for use as a public park. It was further thereby agreed that "when said land shall have been acquired by the party of the second part, by judgment or award of said court, the sum of Two Thousand Dollars (\$2,000.00), consideration for this ~~xxxx~~ conveyance, shall be deducted from the amount of such judgment or award and shall be treated as a credit on account of the amount of such judgment or award."

Your defendants say that under a fair construction of the said agreement that it was not intended that defendants should donate to the State Commission the said strip of land and waive the benefit of the enhanced values of said real estate rendered by the natural improvement created by the construction of the said driveway. In any condemnation proceeding for this driveway, defendants are entitled to be paid for the land taken, and for any injury or damage done to the residue of their lands, over any peculiar benefits derived by them by reason of the opening of said driveway. In estimating the value of the property condemned, the court necessarily took into consideration the value of the lands of the said defendants then taken, and not the value of the lands that they conveyed to the State Commission. In other words, the lands condemned were the lands remaining as the property of defendants after defendants had made sale of the strip of land to petitioner.

Defendants, therefore, say that the said strip of land was not embraced in the award, and no provision was made for the payment of its value. Defendants were not compensated by the State Commission on Conservation and Development for the said driveway in the award. In order to enable the said Commission to be entitled to the fund of Two Thousand Dollars (\$2,000.00) to be paid, it was essential that this driveway itself should have been considered as part of the Haney tract of land, and that the improvements provided for under the said agreement should likewise have been treated as an addition to the value of the property, and that provision should be made for compensating the said defendants for the other things above mentioned that the State Commission was obligated under its agreement to perform for the said defendants.

Defendants further say that the agreement provided, as aforesaid, for the removal of the residence from its then location. The dwelling was not moved but was permitted to remain, and is in part actually located on the driveway. The removal of this dwelling to a proper location, and its location on a good concrete foundation, with its footing below frost line depth, would have enhanced the value of the property of defendants that was subsequently condemned.

The limits of the driveway, as above stated, included part of the dwelling and the entire front yard, and within this yard in front of defendants' dwelling, a fill about six feet high was built. The hen house of defendants was torn down and wrecked, and it was not removed to another location as provided in the agreement.

That

The agreement provided, as above stated, for the enclosure of the land by No. 9-49 woven wire fence, and for the placing of posts, metal or sound locust posts, not to exceed fourteen feet apart, with gates, &c. This provision the petitioner also ignored. No wire fence was built and no gates consequently were erected and no posts placed, except a small plot defendants built as a temporary enclosure for defendants' cows.

The agreement also provided for the construction of a cattle under-pass, under the highway, six feet by six feet, such pass and fences to be constructed before the driveway was thrown open for public traffic. This provision of the agreement was also ignored

It was further agreed that the petitioner should be responsible in damages for any harm or damage done or occasioned to the cattle or other livestock of the said defendants that might wander, stray away or get off the lands of the said defendants on account of the openings or destruction or removal of the fences, or any of them, that enclosed the lands through which this strip ran. As above stated, no wire fence was built, and defendants' lands were thrown open to the public, the cattle of others foraged upon defendants' land, and defendants' cattle and other livestock were thus permitted to wander and stray away, and did wander and stray away to the lands of others, with the result that defendants were practically deprived of the use of their lands, and with the further result that defendants' lands were thrown open for foraging stock. In 1931, defendants had thirty-one steers on pasture, besides their own cattle, within their enclosure; and in ~~19~~ 1932 they had about five to seven head of cattle for three months, but defendants could not

properly care for the stock without enclosures, and in 1933 and 1934 defendants were deprived of the use of the land for pasture, except the use of a small portion of it for defendants' own stock. The value of this small use of pasture was more than set off by the failure of petitioner to provide for enclosure, and the cost of caring for the stock exceeded the value derived from the pasture, as the cattle would not remain upon the premises, but were constantly wandering away.

The petitioner disregarded its contract, except to pay the \$2,000.00, and this sum petitioner is now seeking to recoup, so that, in effect, petitioner is seeking to recover ~~xx~~ from defendants the amount paid, and at the same time to avoid complying with its agreement, thus seeking to gain possession of defendants' property without the payment of a farthing and entail upon defendants loss of use of their property; in substance, to acquire the driveway, to the very great detriment of defendants, without cost to petitioner.

(5) Your defendants deny that your defendants should suffer any deduction from the award made to them, and especially that petitioner should be repaid the said \$2,000.00, or any part thereof, for the reasons following:

(a) The petitioner having failed to comply substantially, or in any material degree, in the performance of its agreement, the petitioner should not be now permitted to assert its said claim to the said \$2,000.00.

(b) If the said Commission had complied with its agreements hereinabove set forth, the market and usable value of the property taken would have been enhanced to a sum in excess of the said \$2,000.00.

(c) The petitioner should not be permitted to profit by its own wrong. The failure of petitioner to construct the pass-way for cattle under the driveway, the failure to build the fences, the failure to remove the buildings to proper location, the doing of which things would have entailed an expense on petitioner in excess of the said \$2,000.00, and the Commission should, therefore, not be permitted to take advantage of its own wrong and recoup from defendants the consideration for the conveyance.

(d) The value of the property, if the agreements of petitioner had been complied with, would have been enhanced so that the award should have been accordingly to that extent enlarged, which, together with the loss sustained by defendants in the use of their lands by reason of the lack of fences and the convenient use of their property, and the failure to construct the passway, amounted to a large sum of money, to-wit, a sum in excess of the said cash payment. On the other hand, defendants have sustained very heavy loss and damage, as shown by bill of particulars filed herewith, by reason of failure to do the things agreed by petitioner, as aforesaid, to be done by it, and to an amount in excess of the said sum of \$2,000.00 prayed by petitioner.

Account is herewith filed setting forth particulars of items of loss and damage sustained by defendants, marked "Defendants' Exhibit B".

(e) The reasonable costs to the petitioner to do the things that it solemnly agreed to do and perform, as a consideration for the execution by defendants of the said deed, would have been as follows:

The building of 322 rods of wire fence, the purchase and planting of posts, and construction of wire fence, with posts 14 feet apart, would have been..... \$ 322.00

The cost to petitioner for constructing the cattle pass provided to have been built under the Skyline driveway ~~for~~ to furnish passway for cattle and access to water for man and beast, would have been..... 1,500.00

The cost of removing the dwelling, the construction of a proper foundation, and the proper restoration of the dwelling upon this foundation, would have been..... 750.00

The defendants ask that judgment be awarded defendants against petitioner for the excess of the ~~xx~~ said claim of defendants over the claim of petitioner.

Defendants now deny all right of said petitioner to claim anything from the said defendants over and above the liability of petitioner to defendants.

John K. Haney & Lula A. Haney
John K. Haney and Lula A. Haney
By *F. S. Tavenner, atty*
F. S. Tavenner, Atty.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

MAY 2 1935

State Commission on Conservation
and Development..... Petitioner

Robert Switzer Clerk

v.) Bill of Particulars.

John K. Haney &c..... Defendants

BILL OF PARTICULARS by John K. Haney, filed in
connection with and as part of Statement of Defense of said
Haney in the above styled matter.

(1) Loss of convenient use of land and
buildings from June 11, 1931, to February, 1934, as provided
in the agreement, during that time, as follows:

(a) Loss of use of pasture on account
of failure to build fences (9-49 woven wire, including
posts of metal or sound locust, to be planted ~~xxx xxxxxx~~
not exceeding 14 feet apart), it being practically
impossible to ~~ex~~ rent out the pasture on defendants'
land to livestock owners with the said land thrown
open to the public, a loss sustained, independent
of pasture ~~xxxxxx~~ of ~~ex~~ livestock of defendants
~~of and failure to maintain~~..... \$ 250.00 -
proper enclosure of defendants lands

(b) Labor in caring for defendants' own
livestock, necessitated by failure to enclose the
lands, for a period of three years..... 75.00 -

(c) Inconvenience and loss of comfortable
enjoyment and use of the dwelling by reason of the
failure to move the dwelling house to proper location
and in the manner as provided for in the agreement,
the removal of the dwelling rendered necessary by
reason of the construction of the Skyline Drive
across defendants' front yard and immediately in
front of defendants' front door, and within a few
feet therefrom; and being further rendered necessary
by reason of high embankment and fill of rock and
dirt created immediately in front of defendants'
dwelling in building the driveway; and a further
loss and inconvenience in the use of the said
dwelling and property from June 1931, to February
28, 1934..... 250.00

State Commission on
Conservation & Development,
Petitioner

v.

John K. Haney and wife,
Defendants

Statement of Defense

Tavener & Bauserman
Attorneys at Law
Woodstock, Virginia

(2) Loss in market value of real estate by reason of the following:

(a) Failure to build, according to agreement, a passway 6 feet by six feet under the Skyline Drive so as to enable livestock to pass from one side of the farm to the other, and to provide access to convenient water for animals and for domestic purposes;

(b) Failure to remove the dwelling from the fill or embankment, created in defendants' front yard, to a suitable position as provided in the agreement, and to a ~~proper~~ proper frost proof foundation, and failure to remove also and restore the chicken house as also provided in said agreement;

(c) Loss of land taken in the said Skyline Driveway, and loss and depreciation by reason of encroachment upon residue of lands, in construction of the driveway beyond the driveway limits - \$2,575.00

The total amount which defendants ask to be set off against petitioner's claim of \$2,000.00 is \$2,575.00, and judgment is asked by defendants for the excess, namely, \$575.00.

John K. Haney and Julia
a Haney
By F. J. Lawrence, Atty

State Commission on
Conservation and Development,
Petitioner

v.) ~~Bill~~

John K. Haney &c., Defendants

Bill of Particulars by
John K. Haney.

Tavener & Bauserman
Attorneys at Law
Woodstock, Virginia

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

State Commission on Conservation
and Development..... Petitioner

v.) Order

John K. Haney and Lula A. Haney. Defendants

This 16th day of May, 1935, came the parties, by their attorneys, and the defendant, John K. Haney, moved ~~the~~ to set aside the verdict of the jury and to grant defendants a new trial on the following several grounds:

(1) Because the verdict is contrary to the law and the evidence.

(2) Because the court declined to permit proper evidence offered by defendants and excluded the same from the jury, and permitted the introduction of improper evidence offered by the petitioner, and over the objection of defendants.

(3) Because the court refused proper instructions offered by the defendants, and granted improperly instructions offered by petitioner, and improperly modified instructions tendered by defendants.

(4) Because the court, upon the motion of defendants, declined at the end of the introduction of petitioner's evidence, to sustain a motion to strike the testimony of petitioner.

(5) Because the court improperly overruled the demurrer of defendants to the ~~petitioner's~~ petition.

(6) Because the verdict of the jury is excessive.

Whereupon, it is considered by the court that the motion of defendants be denied, and it is accordingly considered by the court, and the court doth adjudge, that the petitioner, the State Commission on Conservation and Development, do recover out of the fund to the credit of the cause, and under the control of the court, and standing in the name of John K. Haney and wife, and that there shall be paid to the said Commission from the said fund, the sum of One Thousand Seven Hundred Dollars (\$1,700.00), the amount found by the verdict of the jury in this proceeding. ^

Defendants expressing an intention to apply for a writ of error to the Supreme Court of Appeals of Virginia to the judgment of the court, the execution of this judgment is stayed for the period of 60 days to enable the defendants to apply for the said writ of error.

The fund (\$4,965.00) being now in the hands of the court to the credit of ~~said~~ John K. Haney in this cause, no suspending bond is required.

State Commission on
Conservation & Deve;opment,
Petitioner

v.) Order

John K. Haney and Lula A.
Haney, Defendants

LAW OFFICES
TAVENNER & BAUSERMAN
WOODSTOCK, VIRGINIA

May 16, 1935.

Mr. Robert Switzer, Clerk,
Circuit Court of Rockingham County,
Harrisonburg, Virginia.

Dear Mr. Switzer:

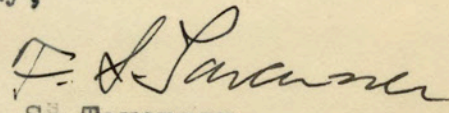
Re: State Commission on
Conservation & Development
v. J. K. Haney and wife

I am enclosing herewith order prepared by me in the above styled cause, which you will please call to the attention of the court.

The court will, of course, make such changes in the order as he may deem proper.

Thanking you, I am,

Yours truly,


F. S. Tavenner

R/ Enc.

Copy to -

Mr. W. C. Armstrong,
Front Royal, Va.

Judge A. C. Carson,
Riverton, Va.

Mr. Everett ~~W~~ Will,
Luray, Va.

State Commission on
Conservation & Deve;opment,
Petitioner

v.) Order

John K. Haney and Lula A.
Haney, Defendants

LAW OFFICES
TAVENNER & BAUSERMAN
WOODSTOCK, VIRGINIA

May 16, 1935.

Mr. Robert Switzer, Clerk,
Circuit Court of Rockingham County,
Harrisonburg, Virginia.

Dear Mr. Switzer:

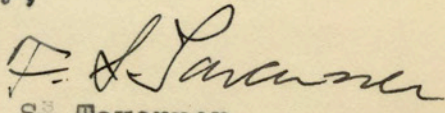
Re: State Commission on
Conservation & Development
v. J. K. Harey and wife

I am enclosing herewith order prepared by me in the above styled cause, which you will please call to the attention of the court.

The court will, of course, make such changes in the order as he may deem proper.

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Yours truly,


F. S. Tavenner

R/ Enc.

Copy to -

Mr. W. C. Armstrong,
Front Royal, Va.

Judge A. C. Carson,
Riverton, Va.

Mr. Everett ~~W~~ Will,
Luray, Va.

Lula A. Haupp

Mr the Jury on the issues joined find that Klott Com. on Execution & seal. do recover of J. H. Haupp and the sum of \$7000.00 claimed in its petition, from which sum shall be deducted the sum of \$783.00 the ascertained value of the 8.26 A. of land included in the Skyline lease the jury award a further credit of \$17.00 damages caused by the failure of Klott Com. on Execution & Seal. to execute the lease as set out in defendants claim of Klott

J. Fillmore Crawford
Foreman

19
21
96
21
88#

66
91
83

Continue
Mediation

5/10/35.

LAW OFFICES
WEAVER & ARMSTRONG
FRONT ROYAL, VIRGINIA

May 13th, 1935.

Judge H. W. Bertram,
Harrisonburg,
Virginia.

Dear Judge Bertram:

Upon reflection, I have concluded there is no necessity for my preparing and having entered, the order of distribution of the proceeds of condemnation of the J. K. Haney land, at the present time.

I believe you asked me to get this order to you not later than Tuesday. I have not seen the order which Judge Tavenner was to prepare and send you to be entered and doubt if I will be able to do so. However, I have no doubt that Judge Tavenner will properly prepare it and do not ask that the entry be withheld in order to let me see it first.

Yours very truly,

W. C. Armstrong

a/t.

70 Conservation Cor

2 days	J. S. Shufflett	50 miles from here	- Bushville Part 173
..	E. G. Beasley		
1 day	A. B. Lawrence	67 "	✓ Culpines, 201
1 day	" " "	18 "	Elkton "
1 day	J. W. Meigs	75 "	✓ Mount Royal "
1 day	" " "	32 "	Luray
2 da.	L. F. Zerker	32 "	✓ "
2 da.	Harry Staley	-	

For Hawes

2 1/2 days	E. G. Beasley	- A. Market 18
1 "	" "	S. Run Day 75-
1 "	Sam Shufflett	76 Fern Hill
3 "	Jesse Smith	76 " "
3 "	Geo. Shufflett	27 " "
3 "	A. M. Hubbard	32 - Luray
3 "	Ralph Gooden	18 Elkton
2 "	Herbinger	32 Luray

12.60 (17.20)
5.00

13.80 5.50

Commission

Isaac Shifflett
Cassaville

Bot m^o. 80
173 4

320

dd, .50

370

2

7.40

Hansenburg

May 10/38

We the Jury for the Petitioner J. K. Honey
Do hereby pay the sum of \$300.⁰⁰

J. Lillmore Crawford.
Foreman

Haney
add
state
Colum W
Refused
HWA

INSTRUCTION NO. _____

THE COURT INSTRUCTS THE JURY that the defendant,
J. K. Haney, is entitled to have as a setoff against the
claim of petitioner, ~~to the extent of~~ the damages, if any,
shown by the evidence to have been sustained by him; and
the jury are instructed that they are the sole judges of
credibility of the witnesses and the weight to be given
their testimony.

VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ROCKINGHAM

COUNTY, July 23 1935

Keyser Coal Milling Co. Inc. } Plaintiff

VS.

J. H. Haney } Defendant

Judgment in favor of plaintiff for \$ 8951, with interest

thereon at the rate of six per centum per annum from the 24th day of August, 1934, until paid, and \$ 3.75 costs, together with an attorney's fee of _____; subject, however, to the following credits:

This judgment was obtained before Hamilton Haas, Trial Justice on Aug 24, 1934, and was duly docketed in the Clerk's office of the Circuit Court of Rockingham County, Virginia, on Aug 24, 1934, in Judgment Lien Docket No. 16, page 148

A Fieri Facias was issued from _____ on the _____ day of _____, 19____, returnable to _____, directed to the _____ of the _____ of _____, who made the following return thereon, to-wit: _____

Teste: Robert Lutz
By E. E. Depa Clerk.

"Ex. Judgment No. Three"

VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ROCKINGHAM

COUNTY, *July 23* 19*35*

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

Plaintiff

VS.

John H. Haney

Defendant

Judgment in favor of plaintiff for \$ *10⁵⁰ for costs*, with interest

thereon at the rate of six per centum per annum from the _____ day of _____, 19____, until paid,
and \$ _____ costs, together with an attorney's fee of _____; subject, however, to the following credits:

This judgment was obtained before *Circuit Court of Rockingham Co.*
on *Dec. 17*, 19*34*, and was duly docketed in the Clerk's office of the Circuit Court of Rockingham
County, Virginia, on *July 5*, 19*35*, in Judgment Lien Docket No. *16*, page *175*.

A Fieri Facias was issued from _____
on the _____ day of _____, 19____, returnable to _____,
directed to the _____ of the _____ of _____, who made the following return
thereon, to-wit: _____

Teste: *Robert Hunter*
Byll E. [Signature] Clerk.

"Ex. Judgment No. Four."

VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ROCKINGHAM

COUNTY, *July 23* 19*35*

The Fuel Company

Plaintiff

VS.

J. K. Haney

Defendant

Judgment in favor of plaintiff for \$ *8.25*, with interest

thereon at the rate of six per centum per annum from the *12th* day of *August*, 19*32*, until paid, and \$ *3.75* costs, together with an attorney's fee of _____; subject, however, to the following credits:

This judgment was obtained before

L. H. Bunn J.P.

on *Aug-26*, 19*33*, and was duly docketed in the Clerk's office of the Circuit Court of Rockingham County, Virginia, on *July 24*, 19*34*, in Judgment Lien Docket No. *16*, page *113*

A Fieri Facias was issued from

L. H. Bunn J.P.

on the *26* day of *August*, 19*33*, returnable to *within 60 days*, directed to the *W. E. Lewis D.* of the *County* of *Rockingham*, who made the following return thereon, to-wit:

Executed no property found - ever under my hand this 23rd day of July 1934 - W. E. Lewis D. for R. L. Lewis & Co.

Teste:

W. E. Lewis D.

Clerk.

"Ex. Judgment No. One."

VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ROCKINGHAM

COUNTY, *July 23* 19*35*

E. H. Bepp's Sons & Co.

Plaintiff

VS.

J. K. Haney

Defendant

Judgment in favor of plaintiff for \$ *49.28*, with interest

thereon at the rate of six per centum per annum from the *3rd* day of *September*, 19*32*, until paid, and \$ *3.75* costs, together with an attorney's fee of _____; subject, however, to the following credits:

This judgment was obtained before *L. H. Bepp J.P.* on *Apr. 27*, 19*33*, and was duly docketed in the Clerk's office of the Circuit Court of Rockingham County, Virginia, on *July 24*, 19*34*, in Judgment Lien Docket No. *16*, page *113*.

A Fieri Facias was issued from *L. H. Bepp J.P.* on the *26th* day of *August*, 19*33*, returnable to *within 60 days*, directed to the *W. E. Edwards* of the County of *Rockingham*, who made the following return thereon, to-wit: _____

Teste: *Robert L. Smith*
W. E. Edwards Clerk.

"Ex. Judgment No. Two."



~~JOHN M. PURCELL~~
TREASURER OF VIRGINIA

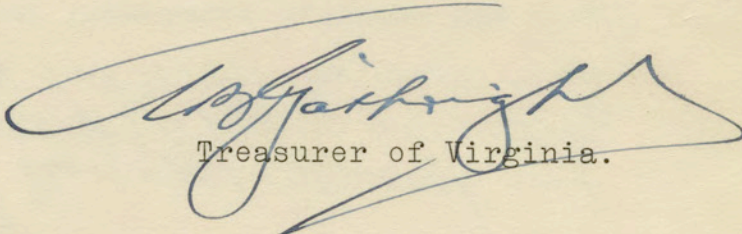
Commonwealth of Virginia

TREASURER'S OFFICE
RICHMOND, VA.

July 31, 1935

A. B. Gathright

This is to certify that I, ~~John M. Purcell~~, Treasurer
of Virginia have this 31 day of July in accordance
with an order of the circuit court of Rockingham County
dated 7/29/35 in the cause of the State Commission
on Conservation and Development of the State of Virginia
vs. Cassandra Lawson Atkins and others
paid to John T. Harris and D. W. Earman, Attorneys for the said
John K. Haney
\$ 2,279.66 being in full settlement of tract # 76
in the above mentioned cause.


Treasurer of Virginia.



~~JOHN K. HANEY~~
TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE
RICHMOND, VA.

July 31, 1935

John T. Harris and D. W. Earman, Attorneys for the
said John K. Haney

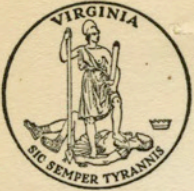
A. B. Gathright

Received of ~~John K. Haney~~, Treasurer of
Virginia, the sum of \$ 2,279.66, in accordance
with an order of the Circuit Court of the county
of Rockingham entered on the 29th day
of July 1935, 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 # 76.

*Check
issued to D. W. Earman atty,
for John K. Haney.*

*John T. Harris Attorney
D. W. Earman
John K. Haney*

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



~~JESSE M. PURCELL~~
TREASURER OF VIRGINIA

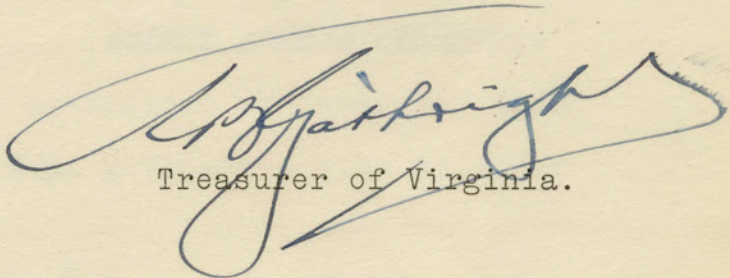
Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

July 31, 1935

A. B. Gathright
This is to certify that I, ~~Jesse M. Purcell~~ Treasurer
of Virginia have this 31 day of July in accordance
with an order of the circuit court of Rockingham County
dated 7/29/35 in the cause of the State Commission
on Conservation and Development of the State of Virginia
vs. Cassandra Lawson Atkins and others
paid to State Commission on Conservation & Development
\$ 1,710.50 being in full settlement of tract # 76
in the above mentioned cause.


Treasurer of Virginia.



JOHN M. PURCELL
TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

July 31, 1935

State Commission on Conservation & Development

A. B. Gathright

Received of ~~John M. Purcell~~, Treasurer of
Virginia, the sum of \$ 1,710.50, in accordance
with an order of the Circuit Court of the county
of Rockingham entered on the 29th day
of July 1935, 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 # 76.

Weaver & Armstrong

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



~~JOHN M. FORCELL~~
TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

July 31, 1935

A. B. Gathright

This is to certify that I, ~~John M. Forcell~~ Treasurer
of Virginia have this 31 day of July in accordance
with an order of the circuit court of Rockingham County
dated 7/29/35 in the cause of the State Commission
on Conservation and Development of the State of Virginia
vs. Cassandra Lawson Atkins and others
paid to Elizabeth Thompson
\$ 229.00 being in full settlement of tract # 76
in the above mentioned cause.

Treasurer of Virginia.



~~JOHN C. FURKEL~~
TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

July 31, 1935

Elizabeth Thompson

A. B. Gathright
Received of ~~John C. Furkel~~, Treasurer of
Virginia, the sum of \$ 229.00, in accordance
with an order of the Circuit Court of the county
of Rockingham entered on the 29th day
of July 1935, 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 # 76.

Mrs Elizabeth Thompson

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



JOHN W. FURCELL
TREASURER OF VIRGINIA

Commonwealth of Virginia

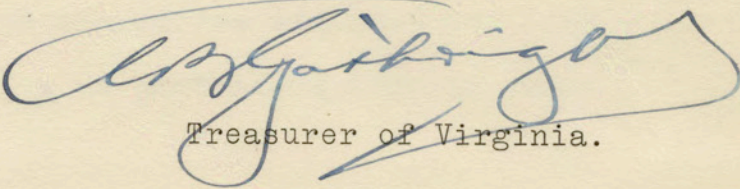
TREASURER'S OFFICE

RICHMOND, VA.

July 31, 1935

A. B. Gathright

This is to certify that I, ~~John W. Furcell~~, Treasurer
of Virginia have this 31 day of July in accordance
with an order of the circuit court of Rockingham County
dated 7/29/35 in the cause of the State Commission
on Conservation and Development of the State of Virginia
vs. Cassandra Lawson Atkins and others
paid to D. W. Earman
\$ 573.00 being in full settlement of tract # 76
in the above mentioned cause.


Treasurer of Virginia.



~~JOSEPH M. BURDECK~~
TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

July 31, 1935

D. W. Earman

A. B. Gathright
Received of ~~Joseph M. Burdeck~~, Treasurer of
Virginia, the sum of \$ 573.00, in accordance
with an order of the Circuit Court of the county
of Rockingham entered on the 29th day
of July 1935, 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 # 76.

D. W. Earman

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



JOHN M. FORBELL
TREASURER OF VIRGINIA

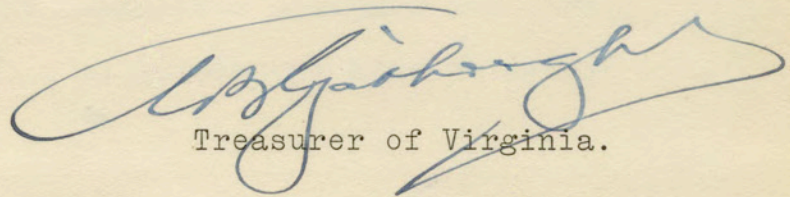
Commonwealth of Virginia

TREASURER'S OFFICE
RICHMOND, VA.

July 31, 1935

A. B. Gathright

This is to certify that I, ~~John M. Forbell~~, Treasurer
of Virginia have this 31 day of July in accordance
with an order of the circuit court of Rockingham County
dated 7/29/35 in the cause of the State Commission
on Conservation and Development of the State of Virginia
vs. Cassandra Lawson Atkins and others
paid to D. W. Earman, Attorney for C. W. Beggs Sons & Company,
a corporation
\$ 61.65 being in full settlement of tract # 76
in the above mentioned cause.


Treasurer of Virginia.



~~JOHN M. BUEBELL~~
TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

July 31, 1935

D. W. Earman, Attorney for C. W. Beggs Sons & Company,
a corporation

A. B. Gathright
Received of ~~John M. Buebell~~, Treasurer of
Virginia, the sum of \$ 61.65, in accordance
with an order of the Circuit Court of the county
of Rockingham entered on the 29th day
of July 1935, 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 # 76.

*D. W. Earman, Attorney for C. W. Beggs &
Company, a corporation.*

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



~~JOHN M. FORBES~~
TREASURER OF VIRGINIA

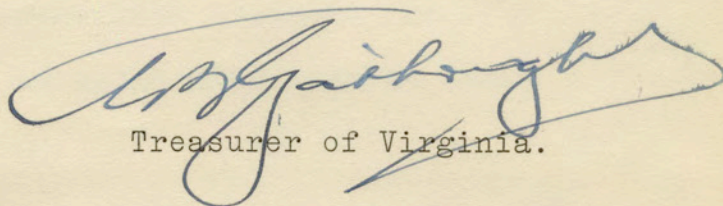
Commonwealth of Virginia

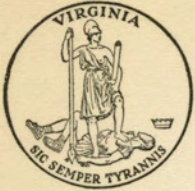
TREASURER'S OFFICE
RICHMOND, VA.

July 31, 1935

A. B. Gathright

This is to certify that I, ~~John M. Forbes~~, Treasurer
of Virginia have this 31 day of July in accordance
with an order of the circuit court of Rockingham County
dated 7/29/35 in the cause of the State Commission
on Conservation and Development of the State of Virginia
vs. Cassandra Lawson Atkins and others
paid to D. W. Earman, Attorney for the Weyers Cave Milling Company,
a corporation
\$ 97.75 being in full settlement of tract # 76
in the above mentioned cause.


Treasurer of Virginia.



~~JOHN M. BURROGHES~~
TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

July 31, 1935

D. W. Earman, Attorney for the Weyers Cave Milling
Company, a corporation

Received of ~~JOHN M. BURROGHES~~, Treasurer of
Virginia, the sum of \$ 97.75, in accordance
with an order of the Circuit Court of the county
of Rockingham entered on the 29th day
of July 1935, 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 # 76.

*D. W. Earman, Attorney for the Weyers
Cave Milling Company, a corporation.*

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



JOHN M. BUCKLEY
TREASURER OF VIRGINIA

Commonwealth of Virginia

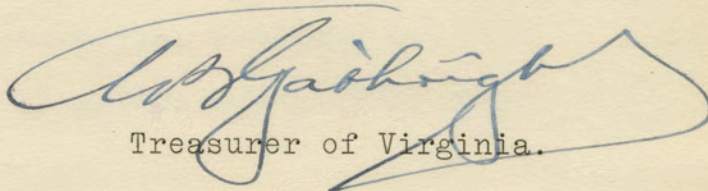
TREASURER'S OFFICE

RICHMOND, VA.

July 31, 1935

A. B. Gathright

This is to certify that I, ~~John M. Buckley~~, Treasurer of Virginia have this 31 day of July in accordance with an order of the circuit court of Rockingham County dated 7/29/35 in the cause of the State Commission on Conservation and Development of the State of Virginia vs. Cassandra Lawson Atkins and others paid to D. W. Earman, Attorney for the Dill Company, a corporation \$ 13.44 being in full settlement of tract # 76 in the above mentioned cause.


Treasurer of Virginia.



~~JOHN W. BURDECK~~
TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

July 31, 1935

D. W. Earman, Attorney for The Dill Company,
a corporation

A. B. Gathright

Received of ~~John W. Burdeck~~, Treasurer of
Virginia, the sum of \$ 13.44, in accordance
with an order of the Circuit Court of the county
of Rockingham entered on the 29th day
of July 1935, 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 # 76.

*D. W. Earman, Attorney for the
Dill Company, a corporation*

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