

NAME OF CLAIMANT/ OWNER

#118 ~~118~~ - SHIFFLETT, L.N. & Wyant, Hubert

Number of Acres: 1/2 Lot.

Location: Top of Blue Ridge- Swift Run Gap on south side of Spottswood Trail.

Roads: Eight miles over hard surface road to Elkton.

Soil: Sandy loam.

History of Tract and condition of timber: This is a small tract of land on which there has recently been erected a store and filling station. For many years the tract has been unfenced, and no use was made of it.

Improvements: HOUSE-----New, 12x14x10' "A" roof, frame, composition roof, solid cement foundation 2-4 light windows. 1 door. Not ceiled.

Acreage and value of types:

| Types | Acreage | Value per acre | Total Value |
|-------|---------|----------------|-------------|
|-------|---------|----------------|-------------|

Ridge:

Slope:

Cove:

Grazing Land:

Fields Restocking:

Cultivated Land:

Orchard:

Minerals:

| | | | |
|-------------------|--------|--|----------|
| Value of Land: \$ | 140.00 | | \$140.00 |
|-------------------|--------|--|----------|

| | | | |
|---------------------------|--------|--|--------|
| Value of Improvements: \$ | 300.00 | | 300.00 |
|---------------------------|--------|--|--------|

| | | | |
|----------------------|--|------------|----------|
| Value of Orchard: \$ | | Total----- | \$440.00 |
|----------------------|--|------------|----------|

Value of Minerals: \$

Value of Fruit: \$

Value of Timber: \$

Value of Wood: \$

Value per acre for tract: \$ 220.00

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

Geo. H. Pennington CLERK

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County: Rockingham
District: Stonewall

#118 - Wyant, Herbert W.

Acreage Claimed:

Assessed: As part of Deed:
tract #75.

Value Claimed:

Assessed: Deed:

Area: 1/2 Acres.

Location: Top of Blue Ridge - Swift Run Gap on south side of
Spottswood Trail.

Incumbrances, counter claims or laps: None known.

Soil: Sandy loam.

Roads: Eight miles over hard surface road to Elkton.

History of tract and condition of timber: This is a small tract
of land on which there has recently been erected a
store and filling station. For many years the tract
has been unfenced and no use was made of it.

Improvements: House: new, 12x14x10', A roof, frame, composition
roof, solid cement foundation, 2-4 light windows,
1 door, not ceiled ---- \$100.00

Value of land by types:

| <u>Type</u> | <u>Acreage</u> | <u>Value per acre</u> | <u>Total Value</u> |
|-------------|----------------|---------------------------|------------------------|
| Lot | .5 | \$150.00 | \$75.00 |

| | |
|-----------------------------|----------|
| Total value of land | \$75.00 |
| Total value of improvements | 100.00 |
| Total value of tract | \$175.00 |
| Average value per acre | \$350.00 |

Claim of A. E. Wyant

In the Circuit Court of Rockingham County, Virginia, No. 1829, At Law. The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. Cassandra Atkins and others, for the condemnation of

52561 acres

more or less, of land in Rockingham County, Virginia, Defendants. The undersigned, in answer to the petition of the State Commission on Conservation and Development of the State of Virginia, and in response to the notice of condemnation awarded upon the filing of said petition and published in accordance with the order of the Circuit Court of Rockingham County, Virginia, asks leave of the Court to file this as his answer to said petition and to said notice.

My name is A. E. Wyant

My post office address is Beldor, Virginia

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 100 acres, on which there are the following buildings and improvements: Dwelling house, stable, cellar, granary and hen house, and the log body of a house 12x16, not finished

This land is located about 7 1/2 miles from Elkton Virginia, in the Stonewall Magisterial District of said County.

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

Sole Owner

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

North Tract No. 2

South C. D. Deihl and Geo. W. Baugher

East C. D. Deihl

West B. P. Yancey and Julia A. Davis

I acquired my right, title, estate or interest to this property about the year 1928 in the following manner:

By deed from H. W. Wyant, Trustee, in deed of Trust.

I claim that the total value of this tract or parcel of land with the improvements thereon is \$1350.00. I claim that the total value of my right, title, estate or interest, in and to this tract or parcel of land with the improvements thereon is \$_____.

I am the owner of no acres of land adjoining the above described tract or parcel of land but lying outside the Park area, which I claim will be damaged by the proposed condemnation of lands within the Park area, to the extent of \$_____.

(In the space below should be set out any additional statements or information as to this claim which claimant desires to make; and if practicable he should also insert here a description of the tract or parcel of land by metes and bounds).

Remarks: The above described land was bought in a forced sale for the timber, firewood, and pasture. It has a good garden, never failing spring and well watered for stock. Land on the east, south and west is valued from \$30 to \$50 per acre

(Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 10 day of February, 1931, 1930.

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

The undersigned hereby certifies that A. E. Wyant the above named claimant personally appeared before him and made oath that the matters and things appearing in his above answer are true to the best of his knowledge and belief, this 10 day of February, 1931, 1930.

A. W. Wyant
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.

Commissioner in Chancery for the Circuit Court of Rockingham County, Virginia

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

FEB 17 1931

Clerk



JOHN M. PURCELL
TREASURER OF VIRGINIA

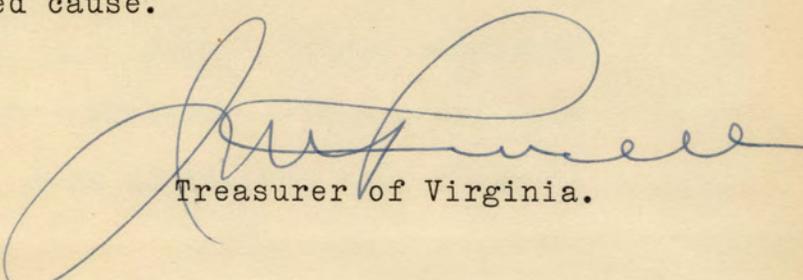
Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

December 20, 1933

This is to certify that I, J. M. Purcell, Treasurer of Virginia have this 20 day of December in accordance with an order of the circuit court of Rockingham County dated 12/18/33 in the cause of the State Commission on Conservation and Development of the State of Virginia vs. Cassandra Lawson Atkins paid to Herbert W. Wyant, Harrisonburg, Virginia \$ 440.00 being in full settlement of tract # 118 in the above mentioned cause.


Treasurer of Virginia.



JOHN M. PURCELL
TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

DEC 20 1933

Herbert W. Wyant,

Harrisonburg, Virginia.

Received of J. M. Purcell, Treasurer of Virginia, the sum of \$ 440.00, in accordance with an order of the Circuit Court of the county of Rockingham entered on the 18th day of Dec. 1933, in the matter of the State Commission on Conservation and Development v Cassandra Lawson Atkins and others, being full and complete settlement for the tract of land known in said proceeding as # 118.

Herbert W. Wyant

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

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

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

Petitioner

vs.

Cassandra Lawson Atkins, and others

Respondents

On this, the 18 day of December, 1933, came Herbert W. Wyant, and on his motion leave is given him to file his application for the payment to him of the sum of \$440.00, the amount of the award set out in the award of condemnation for Tract No. 118, heretofore paid into Court. And it appearing from the report of the Board of Appraisal Commissioners heretofore filed in this cause, and in the petition for judgment and condemnation entered herein on the _____ day of November, 1933, that in the opinion of petitioner, the said Herbert W. Wyant is invested with a superior or better right or claim of title in and to the said Tract of land No. 118, and that the record of this cause does not disclose any denial or dispute by any party or person in interest as to the title to the said Tract No. 118, or to the proceeds arising from the condemnation thereof, and is therefore entitled to receive the proceeds arising from the condemnation of said Tract No. 118, and it further appearing to the Court, the exigible taxes upon said Tract No. 118, have been paid;

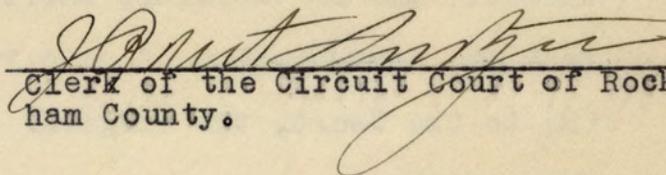
Upon Consideration Whereof, it is considered and ordered by the Court that the said sum of \$440.00 paid into Court by petitioner as just compensation for Tract No. 118, be paid unto the said Herbert W. Wyant, and the Clerk of this Court is directed to transmit a certified copy of this order to the Treasurer of Virginia, who shall pay unto the said Herbert W. Wyant, the said sum of \$440.00, the amount of the award set out in the judgment of condemnation for Tract No. 118, taking from the said Herbert W. Wyant a receipt therefor and certifying such payment to the Clerk of this Court for appropriate entry thereof as required by law.

*Emil
HWA*

*20
47*

I hereby certify that the records in my office do not show any delinquent taxes against the tract of mountain land assessed in Stonewall District, Rockingham County, as one-fourth of an acre in the name of H. W. Wyant.

Given under my hand this 14th day of December, 1933.


Clerk of the Circuit Court of Rockingham County.

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. 118:
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. 118 \$ 440⁰⁰; 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;

Herbert H. Thomas - Deely

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:—

Free Simple

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:

None

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. 118 \$ 440⁰⁰: 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 Herbert H. Thomas - Deely P. O. ADDRESS Shenandoah Va.
State of Virginia, County of Rockingham, to wit:

this day personally appeared before me Herbert H. Thomas and made oath that the statements contained in the above petition, so far as made are true and correct and so far as made as made upon information and belief he believes them to be true. He has signed this 18th day of _____

NOTE—A supply of this blank form has been placed in the Clerk's office for the convenience of interested parties. No one is required to use this form, as the form is not prescribed by law, and claimants can either change or modify it as they deem necessary, or present their motions in any form they may desire which meets with the approval of the Court. This blank form may not and probably will not cover all cases. It has been printed merely as a suggestion of a form of a motion which may be used, subject to the approval of the court in each case.

M. H. HARRISON

TREASURER OF ROCKINGHAM COUNTY

HARRISONBURG, VIRGINIA

TO WHOM IT MAY CONCERN:

I hereby certify that the records of my office show that H. W. Wyant has paid the taxes for the year 1933 on his tract of 0-1-0 acres of land situate in the Blue Ridge Mountains in Stonewall District, Rockingham County, and that said land is not delinquent for the year 1932.

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

Given under my hand this 14th day of
December, 1933.

M. H. Harrison Treasurer

By E. Azigler Deputy Treasurer

Claim of Herbert W. Wyant.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

Petitioner

vs.

No.1829, at Law

Cassandra Lawson Atkins and others, and
Fifty-Two Thousand Five Hundred Sixty-one
(52,561) acres, more or less, of land in
Rockingham County, Virginia

Defendants

The undersigned, in answer to the petition of The State Commission on Conservation and Development of the State of Virginia, and in response to the notice of condemnation awarded upon the filing of said petition and published in accordance with the order of the Circuit Court of Rockingham County, Virginia, and by special leave of said Court, in its order rendered on the 21st day of December, 1931, asks leave to file this, his answer, to said petition and to said notice.

The name of your petitioner is Herbert W. Wyant, owner and attorney, Harrisonburg, Virginia.

The undersigned is the owner in fee of the following tract or parcel of land, with improvements thereon, within the area sought to be condemned, viz,

(1) The fee in a parcel of land described in the deed as .24 of an acre, by metes and bounds.

(2) All rights reserved in deed dated August 23, 1918, from J. J. Beasley, L. N. Shifflett and others to James A. Haney and others, Trustees of United Brethren in Christ, in Virginia, more specifically described as follows: "That in the event the said United Brethren in Christ cease to use the property conveyed as a place of public worship, then the title shall revert back to the owners of the original tract." Copy of said deed is filed with this petition, marked "Exhibit One".

*Filed
12/21/31*

(3) The water rights for water flowing from the spring on the Polly Shifflett land and from the spring on the R. J. Shifflett land, together with right to lay and maintain pipe lines for conveying the water to your petitioner's filling station and other buildings.

Your petitioner acquired said tract, rights to the church property when abandoned by the church, and water rights on September 25, 1931, by deed from L. N. Shifflett, of record in the Clerk's Office of Rockingham County, Virginia, in Deed Book No. 150, at page 328. Copy of said deed is filed herewith, marked "Exhibit Two".

Your petitioner further alleges that there are no liens resting against said real estate.

Your petitioner claims that the total value of the tract or parcel of land, of which he owns the fee simple title, including the rights in the church property and water rights, is \$ 900⁰⁰/_{xx}; the value of the real estate \$ 600⁰⁰, a part thereof, and the value of the water rights \$ 300⁰⁰/_{xx}, a part thereof.

Your petitioner's sole requirement in the case is that the Court will protect his rights as the owner; your petitioner further reserves all rights guaranteed to him by the Condemnation Statute and reserves the right to demand a jury to be impanelled for ultimate determination of value of said land, water rights and so forth, in the event that a fair allowance be not made by the Commission or Board appointed to view the land and make an award.

Witness my signature this 16 day of December, 1931.

Herbert W. Wyant

State of Virginia,

County of Rockingham, to-wit:

The undersigned hereby certified that Herbert W. Wyant, claimant, personally appeared before him and made oath that the

matters and things appearing in his above answer are true to the best of his knowledge and belief.

This 19th day of December, 1931.

Ralph H. Bader
Notary Public

THIS DEED, made this 25th day of September, 1931, by and between L. N. Shifflett, party of the first part and Herbert W. Wyant, party of the second part, all of Rockingham County, Virginia,

W I T N E S S E T H :

That for and in consideration of the sum of Ten Dollars(\$10.00) cash in hand paid by the party of the second part to the party of the first part, the receipt whereof is hereby acknowledged, together with other good and valuable consideration, he, the said party of the first part has bargained, sold and conveyed and by these presents doth bargain, sell, grant and convey unto said Herbert W. Wyant all that certain lot or tract of land, together with improvements thereon situate on the south side of the Spottswood Trail, on top of the Blue Ridge Mountain in Rockingham County, Virginia, and bounded as follows, to-wit: Beginning at an iron pin in an old roadway, Mrs. Elsie Baugher's corner and in a line of the Fern Hill Church lot; thence, with a line of the church lot, N 41 3/4 E 5.04 poles, to an iron pin in the south line of the Spottswood Trail; thence, with the south side of the Spottswood Trail, N 45 1/4 W 2.8 poles, to an iron pin on the south side of said Trail and in the middle of the old Rockingham and Stanardsville Turnpike, said corner being in John Haney's line; thence, with the middle of the old pike, with Haney's line, N 64 3/4 W 9.24 poles, to an iron pin in the middle of the old pike, Haney's corner and in Mrs. Elsie Baugher's line; thence, with her lines, S 6 1/2 E 1.5 poles, to a stake on the north side of an old roadway, white walnut called for; thence, with the old roadway, S 40 E 10.6 poles, to the beginning, containing .24 of an acre, and being the residue of a tract or parcel of land containing 1 3/4 acres, conveyed to the said party of the first part by deed dated May 26, 1906, from John K. Haney and others, which deed is duly recorded in the Clerk's Office of Greene County in Deed Book No. 17, at page 192, and recorded in the Clerk's Office of Rockingham County, in Deed Book NO. _____, at page _____, less, however, a

tract or parcel of land conveyed by the said L. N. Shifflett to James A. Haney and others, Trustees of United Brethren in Christ of Virginia, which deed is dated August 23, 1918, recorded in the Clerk's Office of Greene County in Deed Book No. 19, at page 342, and less another tract or parcel of land conveyed by the said L. N. Shifflett to J.A. Haney and Rhoda Haney by deed dated January 20, 1926, which deed is duly of record in the Clerk's Office of Greene County in Deed Book No. 20, at page 384, and less a further strip of land conveyed by said L. N. Shifflett to the Commonwealth of Virginia, by deed dated October 20, 1930, which deed is likewise recorded in the Clerk's Office of Greene County in Deed Book No. 22, at page 31.

The said party of the first part doth further grant and convey unto the party of the second part any and all rights reserved to him in the deed dated August 23, 1918, from J. J. Beasley, L. N. Shifflett and others to James A. Haney and others, Trustees of United Brethren in Christ of Virginia, more specifically described as follows: That in the event the said United Brethren in Christ cease to use the property conveyed as a place of public worship, then the title shall revert back to the owners of the original tract.

The said party of the first part doth further grant unto the party of the second part, ^{his heirs and assigns,} the right to use any part of the overplus or excess water, necessary for ^{the use of said land,} flowing from the spring on the Polly Shifflett land and from the spring on the R. J. Shifflett land, the grantor reserving to himself, his heirs and assigns, the right to use all water necessary for himself, his family and their livestock from the two springs hereinbefore described.

The said party of the first part doth further grant unto the party of the second part the right to lay and maintain a pipe line

for conveying the water necessary for the ^{land} ~~said~~ from the overplus or surplus from said springs to the filling station and buildings on the tract or parcel of land hereinbefore described, with the right of ingress and egress for the purpose of laying said pipe line and repairing same.

WITNESS the following signature and seal:

Acad Rinder
witness

L. N. (x) S. Shifflett (SEAL)
^{his}
_{mark}

STATE OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

I, *Ralph H. Bader*, a Notary Public in and for the County aforesaid, in the State of Virginia, do certify that L. N. Shifflett, whose name is signed to the foregoing writing, bearing date on the 25th day of September, 1931, has this day personally appeared before me in my said County and acknowledged the same.

My commission expires the 27th day of March, 1932.

Given under my hand this 25th day of September, 1931.

Ralph H. Bader
Notary Public

VIRGINIA: In the Clerk's Office of the Circuit Court of Rockingham County. The foregoing deed of *Bargain & Sale* was this day presented in the office aforesaid and is together with the certificate of acknowledgment annexed, admitted to record this 25 day of September 1931, 4:30 P.M.
Teste: *Robert Switzer* Clerk

L. N. Shifflett

1091

to

B. & S.

Herbert W. Wyant.

400

Tax \$.48 Fees \$ 1.62
 Transfer \$ 1.00 Total \$ 3.10

Admitted SEP 25 1931 4:30 P.M.

J. Robert Switzer Clerk
 Rockingham County, Va.

Harrisonburg, Va., sep. 25 1931

Recorded in Deed Book

No. 150 page 327 M

J. Robert Switzer
 County Clerk.

HERBERT W. WYANT
 ATTORNEY AT LAW
 FIRST NATIONAL BANK BUILDING
 HARRISONBURG, VA.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

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

vs.

Condemnation

Cassandra Lawson Atkins and others

Upon the motion of Herbert W. Wyant, leave is hereby given
him to file his answer herein, and the same is accordingly done.

Enter:

HWY Judge

19
287

12/21/31