

NAME OF CLAIMANT

#276 - Kemper, A. S.

Number of Acres: 53

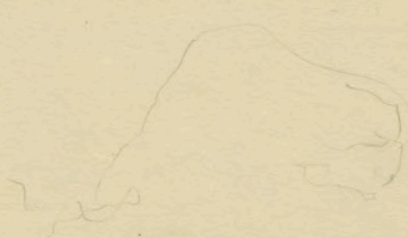
Location: Deep Run. Entirely within the Park area.

Roads: Three and one-half miles via dirt road to Port Republic, the nearest shipping point.

Soil: Sandy loam, slope type of a fair depth and fertility, moderate slopes.

History of Tract and condition of timber: All saw timber has been removed from this tract. Remaining stand consists of about three cords of fuelwood per acre on 49 acres. 147 cords wood.

Improvements: None.



Acreage and value of types:

Types	Acreage	Value per acre	Total Value
Ridge:			
Slope:	53	\$5.00	\$265.00
Cove:			
Grazing Land:			
Fields Restocking:			
Cultivated Land:			
Orchard:			50.00
Minerals:			\$315.00

Value of Land: \$ 265.00

Value of Improvements: \$

Value of Orchard: \$

Value of Minerals: \$

Value of Fruit: \$

Value of Timber: \$

Value of Wood: \$ 50.00

Value per acre for tract: \$ 6.00

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

Geo. H. Pen. CLERK

Claim of Dr. A S Kemper
In the Circuit Court of Rockingham County, Virginia, No. _____, At Law.
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. _____

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

My name is A S Kemper
My post office address is Lyttwood Va.

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 54 acres, on which there are the following buildings and improvements: No buildings

This land is located about 2 miles from Lyttwood Virginia, in the Stonewall Magisterial District of said County.

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

I am sole owner with fee simple title

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

- North W. Miller L. L. Sipe
- South "Big" survey "Big" survey
- East The "Jackson" land "Jackson" Tract
- West "Lancaster" Tract

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

By purchase from D.P. Shuler Heirs

I claim that the total value of this tract or parcel of land with the improvements thereon is \$1350. 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 \$1350.

I am the owner of 280 acres of land ^{near} 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 \$1000.

(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: I desire to reserve in the conveyance all mineral rights and prospects, and in the event I am not permitted to hold or make said reservation, I then hold that my mineral prospects are worth to me \$4000. in addition to above amount. (Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 11th day of Feb'y 1931, 1930- A. S. Kemper

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

The undersigned hereby certifies that A. S. Kemper 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 11th day of Feb'y, 1931, 1930.

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

2/11/31

K—R

County: Rockingham
District: Stonewall

#276 - A. S. Kemper

Acreage Claimed: 54 A. Assessed 53.128 Deed 65 A.
less 11.32
residue 53.128

Value Claimed: \$1350. " \$60.00 less \$195.00
less 35.00
net cost \$160.00

Location: Deep Run. Entirely within the Park area.

Incumbrances, couter claims or laps: This tract is assessed and deeded for more acres than was found after several ties were made from Park boundary and A. Comer established by Irwin on J. A. Alexander and A. J. Burrows line.

Soil: Sandy loam, slope type of a fair depth and fertility, moderate slopes.

Roads: 3½ miles via dirt road to Port Republic, the nearest shipping point.

History of tract and condition of timber: All saw timber has been removed from this tract. Remaining stand consists of about 3 cds fuel wood per acre on 49 acres.
147 cds. wood @ 50¢ per cd. ----- \$73.50

Improvements: None.

Value of land by types:

Type	Acreage	Value per acre	Total Value
Slope	49	\$3.00	\$147.00

Total value of land \$147.00

Total value of Improvements

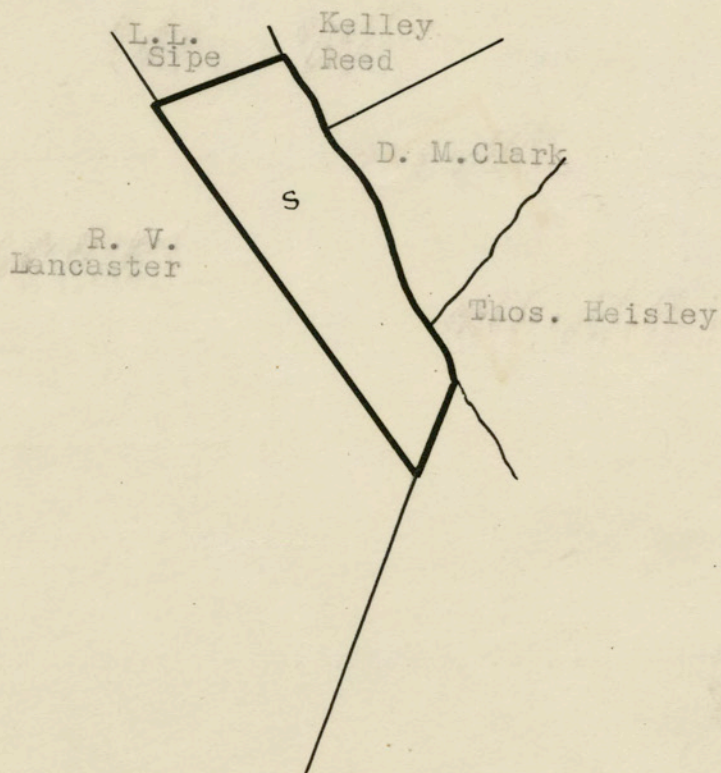
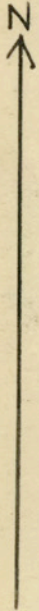
Total value of timber 73.50

Total value of tract 220.50

Average value per acre 4.50

#276 - A. S. Kemper.

County: Rockingham
District: Stonewall



LEGEND
Slope
Scale - 1" = 20 chains

In the Circuit Court of Rockingham County, Va.

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

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

v.) Condemnation

OCT / 1932

Cassandra Lawson Atkins, &c.

J. A. [Signature]
Clerk

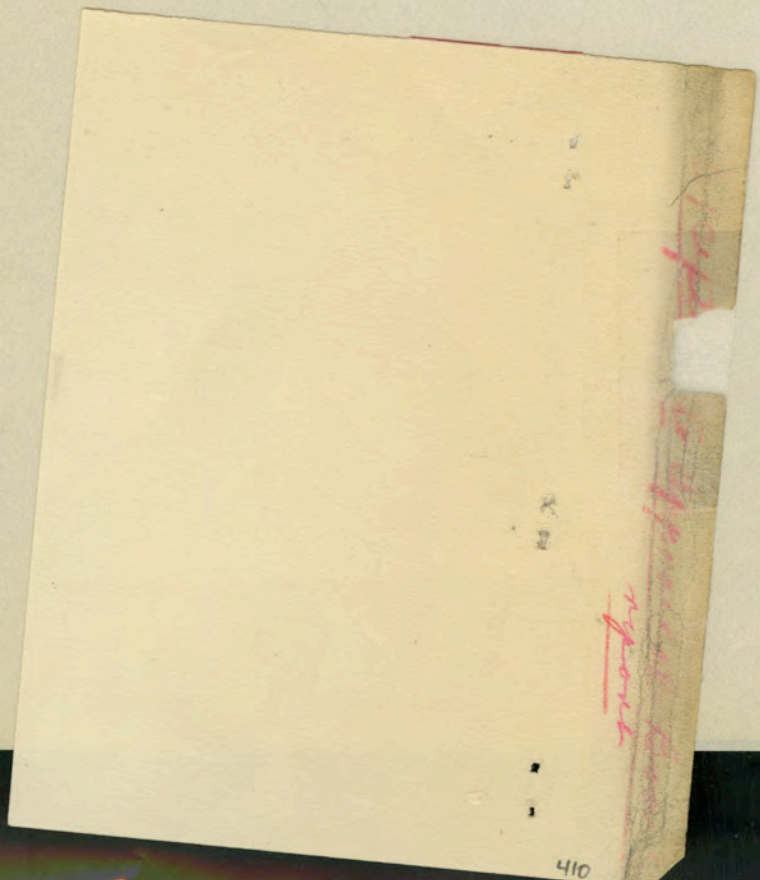
Now comes the undersigned defendant, A. S. Kemper, and moves the Court to decline to accept the report of the board of appraisal commissioners heretofore filed in this proceeding, with respect to claim #276, and to disapprove the findings of fact therein contained, on the following ground:

That the allowance or award made for the land of the undersigned, to-wit, the sum of \$315.00, is grossly inadequate - so inadequate as to indicate that said board was affected or influenced by some error, mistake or misapprehension of facts as to the identity of said land, or some mistake of law as to the nature and effect of the evidence considered.

The undersigned would prefer for his land to be excluded from the park area sought to be condemned in this proceeding.

A. S. KEMPER

By *[Signature]* atty.



Virginia, City of Harrisonburg, to-wit:

This day P. B. F. Good personally appeared before me, J. R. [Signature], a notary public in and for the City of Harrisonburg, in the State of Virginia, and after being first duly sworn on his oath says: that he is the County Surveyor for Rockingham County, Virginia; that he is familiar with the 53 acre tract of land owned by A. S. Kemper, situate in said county and lying within the area now sought to be condemned for a public park; that in his opinion the wood on said premises will average from six to seven cords to the acre, and at the current low price of 75¢ per cord, should yield an average of \$5.00 per acre, or an aggregate of \$265.00; and that the land itself should be worth at least \$10.00 per acre, making a total value of \$795.00, which affiant believes is a conservative estimate of the gross value of said property, without taking into consideration any of the minerals which are alleged to be present in said land. Affiant further says that the soil on said land is particularly adaptable to fruit growing and trucking; and that said land is situate less than two miles from Lynwood, Va., a shipping point on the N. & W. Ry.

Given under my hand this 6 day of October, 1932.

J. R. [Signature]
NOTARY PUBLIC

My commission expires Feb 12 - 1936.

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

STATEMENT

OF) Hamilton Haas, p.q.

A. S. KEMPER

Filed 8/28/33

STATEMENT OF COSTS, POSTAGE, ETC.:

AUG 28 1933

J. Robert Sautter Clerk

IN RE: Arbitration of Shenandoah National Park Condemnation Case -

The undersigned A. S. Kemper, an exceptant to the report filed by the Board of Appraisal Commissioners in the Shenandoah National Park Condemnation case, pending in the Circuit Court of Rockingham County, respectfully shows as follows:

(a) That the tract claimed by said exceptant is shown on the map filed in said proceeding as tract #276.

(b) That the acreage claimed by said exceptant in said tract is 53 acres and that exceptant is the fee simple owner thereof.

(c) That exceptant values said land as follows:

53 acres	Slope	@\$10.00	\$ 530.00
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(d) That the timber on said land is valued on the basis of 6.5 cords of wood to the acre, yielding \$5.00 per acre

	265.00
Total	\$ 795.00

And in addition to the above, exceptant is informed and believes that there are valuable deposits of iron and manganese in said land, on which no value can be definitely placed at this time.

Given this 28th day of August, 1933.

A. S. KEMPER

By Hamilton Haas, his atty.

State of Virginia
City of Harrisonburg, to-wit;

This day Hamilton Haas personally appeared before me, the undersigned notary public in and for the City of Harrisonburg, in the State of Virginia, and after being first duly sworn, on his oath says that he is the attorney for the above named A. S. Kemper, and that the matters and things set forth in the foregoing writing were received by him from reliable sources of information and that he believes the same to be true and correct.

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

My term of office expires Sept. 19, 1934.

John S. Sprinkel, N. P.

KEMPER, A. S.
276
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: Kemper, A. S.

ORIGINAL CLAIM: Acreage 54 : Value \$1,350.00 : Inc. Damages \$1000

VALUE PLACED ON TRACT BY PETITIONER'S APPRAISERS:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
276	\$220.50	

BOARD OF APPRAISAL COMMISSIONERS FINDINGS:

MAP NUMBER OF TRACT: 276

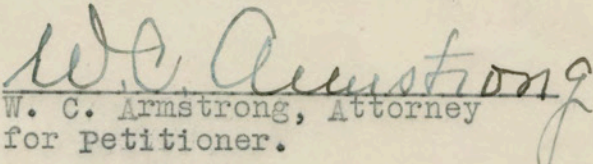
VALUE OF TRACT:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
276	\$315.00	

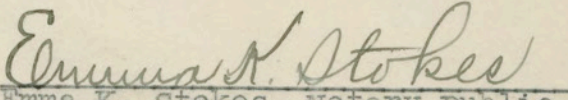
The basic differences between petitioner and this exceptant are as to the classification and value of the land, timber values and mineral rights.

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.