

ROCKINGHAM COUNTY

NAME OF CLAIMANT

#3 - Kite, Sallie A.

Number of Acres: 24

Location: On the upper west slope of the Blue Ridge north of Cucumber Spring.

Roads: A steep mountain road leads from this tract to Maple Spring School House. About half the remaining distance to Elkton is over an unimproved dirt road before reaching a macadam road.

Soil: Clay loam of medium depth and fertility.

History of Tract and condition of timber: All merchantable timber has been removed. About half the tract was cleared years ago for grazing but most of it is now too brushy to be considered sod land.

Improvements: None.

Acreage and value of types:

Types	Acreage	Value per acre	Total Value
Ridge:			
Slope: --	14	\$3.00	\$42.00
Cove:			
Grazing Land: --	2	15.00	30.00
Fields Restocking: --	8	5.00	40.00
	<u>24</u>		<u>Total \$112.00</u>

Cultivated Land:

Orchard:

Minerals:

Value of Land: \$ 112.00

Value of Improvements: \$

Value of Orchard: \$

Value of Minerals: \$

Value of Fruit: \$

Value of Timber: \$

Value of Wood: \$

Value per acre for tract: \$4.66

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

Geo. N. Pen

CLERK

Claim of Sallie A. Kite
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 _____ County, Virginia, Defendants.
The undersigned, in answer to the petition of the State Commission on Conservation and Development of the State of Virginia, and in response to the notice of condemnation awarded upon the filing of said petition and published in accordance with the order of the Circuit Court of _____ County, Virginia, asks leave of the Court to file this as his answer to said petition and to said notice.

My name is Sallie A. Kite
My post office address is Shelton, 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 3.48 acres, on which there are the following buildings and improvements: _____

This land is located about 13 miles from Shelton Virginia, in the Shelton 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.)

Free, less some mineral rights.

The land owners adjacent to the above described tract or parcel of land are as follows:
North Baller
South _____
East _____
West _____

I acquired my right, title, estate or interest to this property about the year 1900 in the following manner:
Walter H. Heiss.

I claim that the total value of this tract or parcel of land with the improvements thereon is \$5,470. 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 _____ 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: Good quality of grazing land. Well water, timber pasture.

(Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 24 day of September 1931. Sallie A. Kite

STATE OF VIRGINIA, COUNTY OF _____ To-wit:

The undersigned hereby certifies that Sallie A. Kite 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 24 day of Sept, 1931.

Geo. N. Pen
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.

Some rights as defined 1931, Camp & Kite's Co. etc.

County: Rockingham
District: Stonewall

#3 - Kite, Sallie A.

Acreage Claimed: Assessed: Deed:

Value Claimed: Assessed: Deed:

AREA: 24 Acres

Location: On the upper west slope of the Blue Ridge north of Cucumber Spring.

Incumbrances, counter claims or laps: None so far as known.

Soil: Clay loam of medium depth and fertility.

Roads: A steep mountain road leads from this tract to Maple Spring School House. About half the remaining distance to Elkton is over an unimproved dirt road before reaching a macadam road.

History of tract and condition of timber: All merchantable timber has been removed. About half the tract was cleared years ago for grazing but most of it is now too brushy to be considered sod land.

Improvements: None.

Value of land by types:

<u>Types:</u>	<u>Acreage:</u>	<u>Value per acre</u>	<u>Total Value</u>
Slope	14	\$3.00	\$42.00
Fr.	8	5.00	40.00
Fg.	2	10.00	20.00
	<u>24</u>		<u>\$102.00</u>

Total value of land: \$102.00

Total value of tract: 102.00

Average value per acre: \$4.25

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

vs.

Cassandra Lawson Atkins and others and 52,501 acres of land in Rockingham County.

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

SEP 17 1932

J. Robert Smith, Clerk

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

The motion of Sallie A. Kite, praying said Court to disapprove and to decline to accept the finding of the Board of Appraisal Commissioners heretofore appointed by said Court in said matter, wherein said Board reported, under No. 3 of its findings, as filed in the Clerk's Office of said Court, that moveant only owns in Rockingham County 24 acres of land on the upper west slope of the Blue Ridge Mountains, north of Cucumber Spring, and that the said 24 acres has only an average value of \$4.66 per acre.

The grounds of said motion are as follows:

- (1) That the acreage allowed to Sallie A.Kite is erroneous, in that she is entitled to at least 60 acres more than the amount allowed her, the said 60 acres being reported, however, in the name of G. Luther Kite in the report of the Appraisal Board under its No. 372-I.
- (2) That the price per acre allowed for the 24 acres of said land by the Appraisal Board is ~~inadequate~~ *totally and completely* said land being worth at least \$10.00 per acre, as is shown by the amount of charge made by the Appraisal Board of Greene County for the 10 acres of land which they have taken for the Sky Line Trail.
- (3) That the finding of said Board was based upon a mistake of law as to the nature and effect of the evidence produced be-

fore said Board by said Sallie A. Kite.

The affidavits attached hereto are asked to be read in support of these exceptions.

Sallie A. Kite
By Counsel.

GEO. S. HARNSBERGER
Counsel.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

vs.

Cassandra Lawson Atkins and others
and 52,501 acres of land in
Rockingham County.

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

The affidavit of Sallie A. Kite, to be read in connection with the motion filed by her to have the findings of the Board of Appraisal Commissioners disapproved in connection with its finding No. 3.

State of Virginia,

City of Harrisonburg, to-wit:

Sallie A. Kite this day personally appeared before me, F. Flavia Converse, a Notary Public in and for the City aforesaid, in the State of Virginia, in my City aforesaid, and, being duly sworn, deposes and says:

I am the owner of 750 acres of land situate on the crest of the Blue Ridge Mountains, at and near the Cucumber Spring, on the head-waters of Pocosan Run, about ten miles east of Elkton, Virginia, which land lies partly in Rockingham County and partly in Greene. It is believed that approximately 84 acres lies in Rockingham County, and the balance in Greene County. The 60 acres listed by the Board of Appraisal Commissioners in the name of G. Luther Kite, under its No. 372-I, is the property of your affiant. That the value placed upon said land by the Board of Appraisal Commissioners of an average of \$4.66 per acre is entirely inadequate. The true value of said land, even in its present condition, is not less than \$15.00 per acre. The Board of Appraisal Commissioners of Greene County charged your affiant \$10.00 per acre for twelve acres and a half said to be taken for the Sky Line

Trail, which land so taken is of no more value than the 24 acres for which you arriant is only allowed \$4.66 per acre.

Sallie R Kite

Subscribed and sworn to
before me this 17th day of
September, 1932.

F. Flavia Converse,
Notary Public.

In the Circuit Court of Rockingham County, Virginia.

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

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

v.

NOV 4 1932

Cassandra Lawson Atkins and others
and 52,561 acres, more or less, in
Rockingham County, Virginia.

J. Kulark Jantz Clerk

Statement made by ~~Geo. S. Harnsberger~~ Sallie A. Kite pursuant
to a decree in the above entitled cause dated Oct. 25, 1932, in
response to Item No. 2 of the inquiry made in said decree.

Your respondent says that the Board of Appraisal Commis-
sioners erred when in its finding No. 3 it only reported that your
respondent only owned 24 acres of land in Rockingham County on
the upper slope of the Blue Ridge mountains, north of cucumber spr-
ing, and that the 24 acres has only a value of \$4.66 per acre, and
also erred in reporting 60 acres of land adjacent to your
respondents lands as belonging to G. Luther Kite under its No. 372-
I. That this 60 acre tract is the property of your respondent.
That the price allowed for said 60 acres is also confiscatory.

Sallie A. Kite
By Counsel.

Geo. S. Harnsberger,
Counsel.

No. 3
372-1

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

STATEMENT

OF) Geo. S. Harnsberger, p.q.

SALLIE A. KITE

Filed 8/26/33

STATEMENT OF COSTS, POSTAGE, ETC.:

In re Arbitration Agreement submitted to the Governor, arising in or out of the condemnation proceedings pending in the Circuit Courts of Virginia under authority of the Shenandoah National Park Act.

State Commission on Conservation
and Development of the State of
Virginia

vs.

Cassandra Lawson Atkins and others
and 52,501 acres of land in Rock-
ingham County.

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

AUG 26 1933

J. Robert Smithey Clerk

In re exceptions of Sallie A. Kite.

To the Hon. Philip Williams, Chairman of the
Park Land Arbitration Board.

In reply to your letter of August 16, 1933, accompanying
the rules that day issued, beg to say:

That exceptant owns approximately 734 acres of land in
the Counties of Rockingham and Greene, as follows:

In Rockingham County, Tract No. 3, 84 acres.

While Tract No. 3 only calls for 24 acres, there is an
overlap of 60 acres adjacent thereto which is believed to be the
property of exceptant and not that of G. Luther Kite.

In Greene County, Tract No. 20, about 650 acres.

Respectfully submitted,

GEO. S. HARNSBERGER
G.S.H.

KITE, SALLIE A.
3, 372-I
ROCKINGHAM COUNTY

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

SEP 9 1933

J. 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: Kite, Sallie A.

ORIGINAL CLAIM: Acreage - : Value \$5,420.00 : Inc. Damages - None

VALUE PLACED ON TRACT BY PETITIONER'S APPRAISERS:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
3	\$102.00	None
372-I	255.00	"

BOARD OF APPRAISAL COMMISSIONERS FINDINGS:

MAP NUMBER OF TRACT: 3, 372-I

VALUE OF TRACT:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
3	\$112.00	None
372-I	270.00	"

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

W. C. Armstrong
W. C. Armstrong, Attorney for
Petitioner.

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

Emma K. Stokes
Emma K. Stokes, Notary Public.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

PETITIONER,

V.

At Law No. 1829.

Cassandra Lawson Atkins
and others,

DEFENDANTS.

On this 27 day of February, 1934, came Sallie A. Kite, and, on her motion, leave is given her to file her application for the distribution of the award made in this case to her, the amount of the award set out in the judgment of condemnation for Tract designated as No. 3 and heretofore paid into Court being \$112.00.

And it appearing from the report of the Board of Appraisal Commissioners, heretofore filed in this suit, and in the petition for judgment of condemnation, heretofore entered herein, that, in the opinion of the said The State Commission on Conservation and Development of the State of Virginia, Sallie A. Kite was invested with a superior or better right or claim of title in and to said tract of land designated as No. 3, and that the record in said condemnation proceedings does not disclose any denial or dispute by any party or person interested as to the title to said Tract designated as No. 3 or to the proceeds arising from the condemnation thereof.

Upon consideration whereof, it is considered and ordered by the Court that the said sum of \$112.00 be paid out as follows:

To J.R. Switzer, Clerk, the sum of	\$ 2.00
To Geo. S. Harnsberger, Attorney for Sallie A. Kite, the sum of	110.00

The Clerk of this Court is hereby directed to transmit a certified copy of this order to the Treasurer of Virginia, who

shall pay out said fund in accordance therewith, taking from the parties to whom the fund is directed to be paid their respective receipts for the sums paid to them and certifying such payment to the Clerk of this Court for appropriate entry thereof, as required by law.

Enter.

HWB

Judge.

20
117
2/22/34

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

PETITIONER,

V. At Law No.1829.

Cassandra Lawson Atkins and
others,

DEFENDANTS.

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

Your petitioner, Sallie A.Kite, respectfully represents:

That a judgment in rem has heretofore been entered in this proceeding, condemning to the use of The State Commission on Conservation and Development of the State of Virginia the fee simple estate in a tract of land formerly the property of Sallie A. Kite, situate on the Blue Ridge Mountain, in the eastern portion of Stonewall District, Rockingham County, Virginia, about eight miles east of Elkton, 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 therewith, as Tract No.3, at the price of \$112.00.

Your petitioner further shows to the Court that this is a portion of a much larger tract of land, the major portion of which land is situate in Greene County, Virginia; that all of said tract of land was assessed as one body, or as a whole, for taxes; that all of said taxes have been paid, and that there are no liens or claims of any kind existing on or against said property, and that no other person or persons than your petitioner are entitled to share in the distribution of said award.

Wherefore, your petitioner prays that she may be made a party herein and be allowed to file her petition in this proceeding; that the fund in this cause may be paid to her, or to her attorney of record; that an order may be entered in these

proceedings for the distribution of said fund, and that your petitioner may have such other and further relief as the nature of the case may require.

S.A.M. Sallie A. Kite

GEO. S. HARNSBERGER,
Counsel.

State of Virginia,
County of ~~Rockingham~~ ^{Page}, to-wit:

This day Sallie A. Kite personally appeared before me, Lorraine Keim, a Notary Public in and for the County aforesaid, in the State of Virginia, in my County aforesaid, and, being duly sworn, deposes and says:

I am the petitioner in the above entitled matter. The land condemned in this proceeding formerly belonged to me. I have read 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.

S.A.M. Sallie A. Kite,

Subscribed and sworn to before me this 12th day of February, 1934.

Lorraine Keim, N.P.



Commonwealth of Virginia

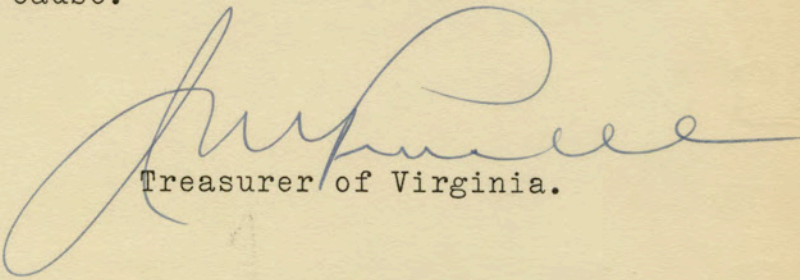
TREASURER'S OFFICE

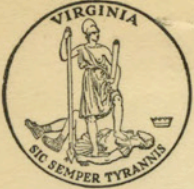
RICHMOND, VA.

JOHN M. PURCELL
TREASURER OF VIRGINIA

February 26, 1934

This is to certify that I, J. M. Purcell, Treasurer of Virginia have this 26 day of Feb. in accordance with an order of the circuit court of Rockingham dated 2/22/34 in the cause of the State Commission on Conservation and Development of the State of Virginia vs. Cassandra Lawson Atkins et als paid to George S. Harnsberger Atty. for Sallie A. Kite, Harrisonburg, Virginia. \$ 110.00 being in full settlement of tract # 3 in the above mentioned cause.


Treasurer of Virginia.



JOHN M. PURCELL
TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

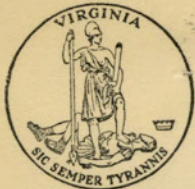
February 26, 1934.

Geo. S. Harnsberger, Attorney for
Sallie A. Kite, Harrisonburg, Virginia.

Received of J. M. Purcell, Treasurer of Virginia, the sum of \$ 110.00, in accordance with an order of the Circuit Court of the county of Rockingham entered on the 22nd day of Feb. 1934, 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 # 3.

Geo. S. Harnsberger
Att'y for Sallie A.
Kite.

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



JOHN M. PURCELL
TREASURER OF VIRGINIA

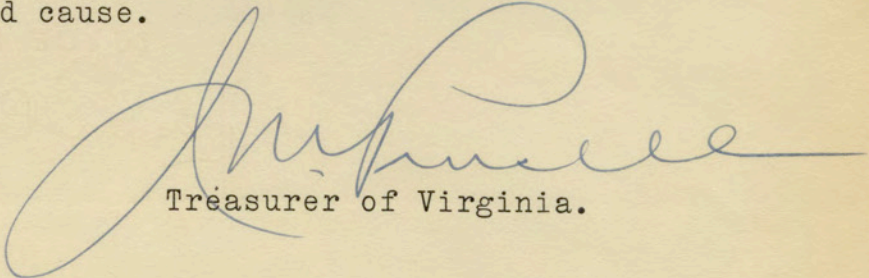
Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

February 26, 1934.

This is to certify that I, J. M. Purcell, Treasurer of Virginia have this 26 day of Feb. in accordance with an order of the circuit court of Rockingham dated 2/22/34 in the cause of the State Commission on Conservation and Development of the State of Virginia vs. Cassandra Lawson Atkins et als paid to J. R. Switzer, Clerk \$ 2.00 being in full settlement of tract # 3 in the above mentioned cause.


Treasurer of Virginia.



JOHN M. PURCELL
TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

February 26, 1934.

J. R. Switzer, Clerk,

Harrisonburg, Virginia.

Received of J. M. Purcell, Treasurer of Virginia, the sum of \$ 2.00, in accordance with an order of the Circuit Court of the county of Rockingham entered on the 22nd day of Feb. 1934, 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 # 3.

J. R. Switzer

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