

NAME OF CLAIMANT

#166 - Moubray, A. L. & J. P.

Number of Acres: 101

Location: On Gap Run, and entirely within the Park area.

Roads: Two and one-half miles of good dirt road to Yancey, the nearest shipping point.

Soil: Rocky sandy loam of poor fertility. A narrow strip along the creek is level and has moderate slopes. There is much small loose rock and some outcrops. The cleared land has been worn out and neglected.

History of Tract and condition of timber: The tract has been cut over repeatedly for farm use and other purposes. The bark was removed in 1930. There has been no fire recently and there is a thin stand of hardwood and yellow and white pine up to 6" DBH with occasional larger trees. On the south end there is an open stand of white and yellow pine up to 16" DBH which is of fair quality. The estimate is 4 M. saw timber and 50 cords of fuel-wood.

Improvements: Old house: Frame, dilapidated.
Incomplete stable; Log 15x26x12', poor condition, no roof.
 Old shed:

Acreege and value of types:

Types	Acreege		Value per acre	Total Value
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Ridge:

Slope:	91	@	\$3.00	\$273.00
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Cove:	5	@	5.00	25.00
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Grazing Land:

Fields Restocking:

Cultivated Land:	5	@	25.00	125.00
	<u>101</u>			<u>\$523.00</u>

Orchard:

Minerals:

Value of Land: \$ 423.00

Value of Improvements: \$50.00 50.00

Value of Orchard: \$

Value of Minerals: \$

Value of Fruit: \$ 50.00

Value of Timber: \$

Value of Wood: \$50.00

Value per acre for tract: \$ 5.17

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

Geo. N. Pen CLERK. 62

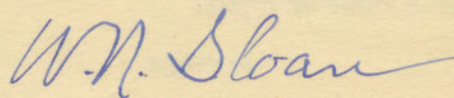
REPORT ON THE ACREAGE

of the

A. L. & J. F. MOUBRAY TRACT #166

The lines of this tract were taken from a map of the Yost tract and exceptions. This map was made as the result of a court survey by J. G. Myers, County Surveyor.

My computation of the acreage, from Mr. Myers' map, gives 10½ Acres.



W. N. Sloan,

Chief Engineer, Park Service

Claim of A. L. + James Nowbray
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. L. + James Nowbray
My post office address is Clifton P.O. Route 4 Box 92

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 87 acres, on which there are the following buildings and improvements: Dwelling 4 rooms 2 1/2 acre house
Stable Make house Kitchen 2 acre orchard
10 acre pond

This land is located about 5 miles from Clifton Virginia, in the Honover 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.)

Joint Owners

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

North Mrs. Dola Phelps
South Lake Perry
East Tom Grant
West Big Survey

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

I claim that the total value of this tract or parcel of land with the improvements thereon is \$4350.00. 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 \$4350.00.

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 \$2000.00.

(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: Mensual claim on property

(Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 0 day of _____, 1931.

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

The undersigned hereby certifies that _____ 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 31 day of Aug., 1931.

Geo. W. Sen
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.

Minor Suedes age
 Rodina Mowbray 3 yr
 Lucile Mowbray 2 "

Jack Mowbray 3 "
 Jim Mowbray 2 "

County: Rockingham
 District: Stonewall

#166 - Mowbray, A. L. & J. P.

Acres Claimed: 87 Assessed: 87 A. Deed: 87 A.
Value Claimed: \$4350.00 " \$510.00 " \$500.00 (1929)
Location: On Gap Run and entirely within the Park area. (According to the metes & bounds of a court survey there's 101 acres)

Incumbrances, counter claims or laps: Mineral rights belong to Jacob Yost, Trustee.

Soil: Rocky sandy loam of poor fertility. A narrow strip along the creek is level and has moderate slopes. There is much small loose rock and some outcrops. The cleared land has been worn out and neglected.

Roads: Two and one-half miles of good dirt road to Yancey, the nearest shipping point.

History of tract and condition of timber: The tract has been cut over repeatedly for farm use and other purposes. The bark was removed in 1930. There has been no fire recently and there is a thin stand of hardwood and yellow and white pine up to 6" DBH with occasional larger trees. On the south end there is an open stand of white and yellow pine up to 16" DBH which is of fair quality. The estimate is 4 M. saw timber @ \$4.00 per M. -- \$16.00
 50 cords of fuelwood @ 50¢ -- 25.00
 \$41.00

Improvements: Old house: Frame, dilapidated -- 10.00
 Incomplete stable: Log 15x26x12', poor condition - no roof ---- 30.00
 Old shed: No value ----
 \$40.00

Value of land by types:

Type	Acres	Value per acre	Total Value
Cove	5	\$4.50	22.50
Slope	91	2.50	227.50
Fc	5	15.00	75.00
	<u>101</u>		<u>\$325.00</u>

Total value of land \$325.00
 Total value of improvements 40.00
 Total value of timber 41.00
 Total value of tract \$406.00
 Average value per acre 4.04

No. 166

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

STATEMENT

OF) Chas. A. Hammer, p.q.

A. L. MOUBRAY and J. F. MOUBRAY

Filed 8/28/37

STATEMENT OF COSTS, POSTAGE, ETC.:

Original

A.L. Moubrey
J.F. Moubrey
no 166

To The

Hon. Phillip Williams,
Chairman of the Land Tract Arbitration Board:

We, A.L.Moubrey and J.F.Moubrey, have employed Messrs. Hammer & Hammer of Harrisonburg, to represent us in all condemnation proceedings in connection with our land tract #166 in the Shenandoah National Park Area, as it appears upon the maps filed in the Clerk's Office of Rockingham County.

Given under our hands this 22nd day of August, 1933.

A.L. Moubrey
J.F. Moubrey

BOND

NIBROC

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

THE STATE COMMISSION ON CONSERVATION AND DEVELOPMENT OF THE STATE OF VIRGINIA,

Vs.

CASANDRA LAWSON ATKINS, et als., and 52,501 acres of land in Rockingham County.

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

AUG 28 1933

J. Robert Huntzger Clerk

To The

Hon. H. W. Bertram, Judge of the Said Court:

(1) The motion of A. L. Moubray and J. F. Moubray praying the said Court to disapprove and to decline to accept the findings of the Board of Appraisal Commissioners heretofore appointed by the said Court in the above matter, wherein the said Board reported under No. 166 of its findings, as filed in the Clerk's Office of the said Court that moveants are only entitled to the sum of FIVE HUNDRED (\$500.00) DOLLARS for the tract of 87 acres of land, which was conveyed to these moveants by the executors of John E. Roller, dec'd. The tract conveyed to moveants ^{in fee simple} by the said executors was known as the "Sipe Tract", and the Park Commissioners by actual survey ascertained that it contained 101 acres instead of 87.

(2) The amount allowed for the said land is wholly inadequate and amounts to taking the property without just compensation.

(3) The property is improved by a frame dwelling 16 x 22 feet, sealed inside, composition roof, containing 4 rooms, of the value of TWO HUNDRED AND FIFTY (\$250.00) DOLLARS; a small frame stable 12 x 16 feet, with shingle roof, of the value of TWENTY FIVE (\$25.00) DOLLARS; one chicken house 6 x 8 feet of the value of TEN (\$10.00) DOLLARS; one log barn 16 x 26 feet, two stories high with metal roof, of the value of ONE HUNDRED AND FIFTY (\$150.00) DOLLARS; one cellar 8 x 12 feet, with board roof, of the value of FORTY (\$40.00) DOLLARS; one frame chicken house at the log barn, 6 x 10 feet, with metal roof, of the value of FIFTEEN (\$15.00) DOLLARS; and one small building 8 x 10 feet, with metal roof, of the value of TEN (\$10.00) DOLLARS.

The entire 87 acres is of cove land with never failing running water through it, and is adapted to and used by the moveants for agricultural and grazing purposes, and is worth easily TEN (\$10.00) DOLLARS per acre.

In addition to the above there is at least 15,000 feet of saw timber worth FIVE (\$5.00) per thousand. Your petitioners state that moveants parents occupy this land, and that the sums named above are reasonable and fair.

Moveants prefer to have a trial by jury, and ask that they be allowed the sum of FIFTEEN HUNDRED AND ONE (\$1501.00) DOLLARS which is justly due.

A. L. Moubroy
J. F. Moubroy
By Counsel

[Signature]
Hammer & Hammer, Counsel

A. C. Moubroy

VIRGINIA, CITY OF HARRISONBURG; TO-WIT:

I, A.C.Moubroy, the father of A.L.Moubroy and J.F.Moubroy, whose name is signed on the margin hereof, this day personally appeared before me in my said City and made oath that he is the acting agent and in charge of the lands of A.L. and J.F.Moubroy, known as Tract No. 166 in the Park proceedings, and further affirms that the facts as stated in the foregoing motion are true.

Given under my hand and seal this 22nd day of August, 1933.

Geo. L. Dovel
Notary Public
My Commission Expires July 9/1934

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

SEP 9 1933

Robert Smith Clerk

MOUBREY, A. L. and J. F.
166
ROCKINGHAM 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:

EXCEPTANTS: Moubrey, A. L. and J. F.

ORIGINAL CLAIM: Acreage 87 : Value \$4,350.00 : Inc.Damages,\$2,000

VALUE PLACED ON TRACT BY PETITIONER'S APPRAISERS:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
166	\$406.00	None

BOARD OF APPRAISAL COMMISSIONERS FINDINGS:

MAP NUMBER OF TRACT: 166

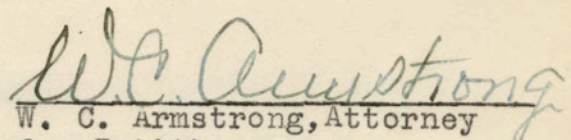
VALUE OF TRACT:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
166	\$523.00	None

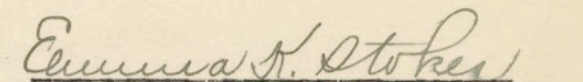
The basic differences between Petitioner and these exceptants are as to the classification and value of the land and improvements, buildings, timber values, and amount of incidental damages.

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 exceptants' 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

THE STATE COMMISSION ON CONSERVATION AND DEVELOPMENT IN THE STATE OF VIRGINIA

VS.

CASSANDRA ATKINS AND OTHERS, AND FIFTY TWO THOUSAND FIVE HUNDRED AND SIXTY ONE (52, 561) ACRES OF LAND IN ROCKINGHAM COUNTY.

TO the Honorable H. W. Bertram, Judge of the Circuit Court of Rockingham County.

The Petition of A. L. Moubrey and J. F. Moubrey, respectfully represents:

THAT they are the owners of track No. 166 upon the map of the lands supposed to be taken for Park purposes in Rockingham County and supposed to contain about One Hundred and One Acres and that they object to the allowances made and except to the report filed in the Circuit Court of Rockingham County by the Board of Appraisal Commissioners in that the amount allowed Petitioners is unjust and unfair. The property cost Exceptant five Hundred Dollars to begin with and Exceptants have cleared and fenced the land and constructed thereon sundry buildings and the lands are now worth at least Twelve Hundred Dollars. The lands, while not of the best quality, are still creek bottom through which there is running water at all times and furnishes Exceptants a good home. The taking of the property at the prices proposed by the Appraisal Commissioners will amount to confiscation of the same.

They therefore ask for a hearing before the Court to the end that such reasonable allowances be made them for their lands as to the Court may seem proper.

A. L. Moubrey
By Counsel

J. F. Moubrey
By Counsel

[Signature]
Counsel

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

SEP 30 1932

J. Robert Smith, Clerk

VIRGINIA,

CITY OF HARRISONBURG, To-wit:

I, Bessie M. Cooke, a Notary Public in and for the City of Harrisonburg and State of Virginia, do certify that A. C. Moubrey, ~~whose names is signed to the foregoing~~ ^{*James Moubrey and William A. Cook*} whose names ~~is~~ ^{*are*} signed ~~to the foregoing~~ ^{*to the foregoing*}, this day personally appeared before me and made oath that the facts stated in the foregoing petition are true.

Given under my hand this 30th day of September, 1932.

Bessie M. Cooke
Notary Public.

*A. C. Moubrey
D. L. James
W. A. Cook*