

NAME OF CLAIMANT

#167 - Wyant, Mary E.

Number of Acres: 340

Location: On Hawksbill Creek, and entirely within the Park area.

Roads: Four miles of good dirt road to Yancey, the nearest shipping point.

Soil: (See reverse side)

History of Tract and condition of timber: (See reverse side)

Improvements: (See reverse side)

Acreeage and value of types:

Types	Acreeage		Value per acre	Total Value
Ridge:				
Slope:	298	@	\$3.00	\$894.00
Cove:	7	@	5.00	35.00
Grazing Land:	17	@	25.00	425.00
Fields Restocking:	3	@	15.00	45.00
Cultivated Land:	13	@	40.00	520.00
	338			\$1919.00

Orchard:

Minerals:

Value of Land: \$1919.00

Value of Improvements: \$ 2030.00

2030.00

Value of Orchard: \$120.00

Value of Minerals: \$

120.00

Value of Fruit: \$

Value of Timber: \$ 181.00

Value of Wood: \$ 50.00

181.00

Value per acre for tract: \$ 12.70

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

50.00
\$4300.00

Geo. H. Pen CLERK.

SOIL:

West of the road the soil is sandy loam of fair depth and fertility, with some small rocks and very few outcrops. The slopes are moderate to very steep. East of the road the soil is deep and fertile and the loam is gravelly with few outcrops and some loose rock at the upper side. The bottom along the creek is rather gravelly with loose creek rock, but fairly fertile. It is level. The other cleared land is rolling and fertile. There is a good blue grass sod on the grazing land, but part of it is very badly grown up to brush.

HISTORY OF TRACT AND CONDITION OF TIMBER: West of the road there is a very uneven stand of yellow pine with considerable white oak and other species. The pine ranging in sizes up to 12" DBH. The bark was removed in 1930 and there has been no fire for the last few years. The estimate is 230 cords of pine stavewood.

East of the road there is a good stand of dead chestnut up to 36" DBH with some white pine up to 24" DBH. with three logs and a few poplars and ash. The estimate is 12 M. of saw timber. - 250 cords of extract wood, 25 walnut trees and 160 locust posts.

IMPROVEMENTS: House: Frame, 16x32', plastered with L 14x20', 8 rooms, 2 story, 2 double porches - 7x25' - 7x15'; brick chimneys, solid foundation, metal roof, fair condition.
Old barn: Log, 32x50x16', dilapidated.
Wash house: Frame, 10x15x12', shingle roof, fair condition.
Spring house: Frame, 6x7x6', shingle roof, fair condition.
Hen house: Frame, 10x14x10', shingle roof, fair condition.
Granary and wagon shed: Frame, 16x20x12', shingle roof, fair condition.

Claim of Mary 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 L. Atkins et al & 57, 561 acs

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 Mary E. Wyant
My post office address is Island Ford 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 338 acres, on which there are the following buildings and improvements: one dwelling house one granary and corn crib one wash house one dairy two chicken houses one hog pen and one dilapidated barn

This land is located about one miles from Beldor P.O. 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.)

The land owners adjacent to the above described tract or parcel of land are, as follows:
North Arias Shifflett estate and Robert Shifflett
South Frederick J. Wyant and J. R. Herring
East Julia A. Davis and Arias Robert Shifflett
West George Gratton and Ida Phelps

I acquired my right, title, estate or interest to this property about the year 1898 in the following manner:

By deed from F. J. Wyant E. T. Wyant and annie C. Wyant

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 9680. 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 \$ 9680.

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: This reply expires 90 days from date

but may be renewed by mutual agreement between the parties concerned. The right is also reserved to cut any dead or diseased timber until deal is finally closed and money paid and to use such as may be needed for repair work (Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 16 day of Feb, 1930.

STATE OF VIRGINIA, COUNTY OF Rockingham To-wit: Mrs Mary E. Wyant

The undersigned hereby certifies that F. J. Wyant agt for Mary 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 16 day of Feb, 1930.

Filed 2/16/31
J. B.

J. F. Blackburn D.C.,
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.

Claim of Mary 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 Lawson Atkins and others

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, asks leave of the Court to file this as his answer to said petition and to said notice.

My name is Frederick J. Wyant
My post office address is Elkton Va RFD #4

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 171 acres, on which there are the following buildings and improvements: one dwelling house one out house one chicken house one barn one corn house one hog pen

This land is located about One miles from Beldor 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

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

North Mary E. Wyant and Julia A. Davis
South Bernard Shifflett and L. C. Davis
East Bernard Yancey and Julia A. Davis
West J. R. Herring " Mary E. Wyant

I acquired my right, title, estate or interest to this property about the year 1902 in the following manner:

By purchase from R. T. Lam & Wife

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 10000. 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 \$ 10000.

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: This reply expires 90 days from date but may be renewed by mutual agreement between the parties concerned. The right is also reserved to cut such timber as is needed for repair work on farms until deal is finally closed and money paid (Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 16 day of Feb, 1930. Frederick J. Wyant

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

The undersigned hereby certifies that Frederick J. 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 16 day of Feb, 1930.

Filed 2/16/31
J. B.

J. F. Blackburn
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.

County: Rockingham
District: Stonewall

#167 - Wyant, Mary E.

Acreage Claimed: 338 Assessed: 338 A. Deed: 340 $\frac{1}{2}$ A.
Value Claimed: \$ 9680.00 " \$890.00 " \$1000.00 (1889)

Location: On Hawksbill Creek and entirely within the Park area.

Incumbrances, counter claim s or laps: Mineral on 262 acres northwest of broken line belonging to Jacob Yost, Trustee.

Soil: West of the road the soil is sandy loam of fair depth and fertility, with some small rocks and very few outcrops. The slopes are moderate to very steep. East of the road the soil is deep and fertile and the loam is gravelly with few outcrops and some loose rock at the upper side. The bottom along the creek is rather gravelly with loose creek rock, but fairly fertile. It is level. The other cleared land is rolling and fertile. There is a good blue grass sod on the grazing land, but part of it is very badly grown up to brush.

Roads: Four miles of good dirt road to Yancey, the nearest shipping point.

History of tract and condition of timber: West of the road there is a very uneven stand of yellow pine with considerable white oak and other species. The pine ranging in sizes up to 12" DBH. The bark was removed in 1930 and there has been no fire for the last few years. The estimate is 250 cords of pine stavewood valued @ 70¢ making the total -- \$172.50
East of the road there is a good stand of dead chestnut up to 36" DBH with some white pine up to 24" DBH, with three logs and a few poplars and ash. The estimate is 12 M. of saw timber @ \$4.00 -- 48.00
250 cords of extract wood @ 50¢ -- 125.00
25 walnut trees @ \$5.00 -- 125.00
160 locust posts @ 5¢ -- 8.00
\$473.50

Improvements: House: Frame 16x32', plastered with L 14x20', 3 rooms, 2 story 2 double porches - 7x25' -- 7x15'; brick chimneys, solid foundation, metal roof, fair condition -- \$1800.00
Old barn: Log 32x50x16', dilapidated -- fuel value -- 10.00
Wash house: Frame 10x15x12', shingle roof, fair condition -- 50.00
Spring house: Frame 6x7x6', shingle roof, fair condition -- 15.00
Hen house: Frame 10x14x10', shingle roof, fair condition -- 25.00
Cranary and wagon shed: Frame 16x20x12', shingle roof, fair condition -- 60.00
1940.00

County: Rockingham
District: Stonewall

#167 - Wyant, Mary E.

Cont'd

Value of land by types:

<u>Type</u>	<u>Acreage</u>	<u>Value per acre</u>	<u>Total Value</u>
Cove	7	\$5.00	\$35.00
Slope	298	3.50	1043.00
Fg	17	25.00	425.00
Pc	13	30.00	390.00
Restocking	3	10.00	30.00
Orchard	2		
	<u>340</u>		<u>1923.00</u>

Total value of orchard	\$120.00
Total value of land	1923.00
Total value of improvements	1940.00
Total value of timber	478.50
Total value of tract	<u>\$4461.50</u>
Average value per acre	13.12

#167 - Mary E. Wyant

County: Rockingham
District: Stonewall

Jacob Yost, Tr.

H. Arias Shifflett
Estate

Mt. Hebron
Church

H. A. Shifflett
Tr.

W. Robert
Shifflett

Julia A.
Davis

Fred J. Wyant

J. R. Herr-
ing

Jacob Yost,
Tr.

J. R. &
Julia Herr-
ing

A. L. &
J. F. Moubray

LEGEND
Cove - Slope
Grazing - Tillable
Scale - 1" = 20 chains

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.

SEP 30 1932

vs.

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

J. Robert Smith Clerk

Motion to set aside and disapprove the report of the Board of
Appraisal Commissioners.

Comes now the claimant, Mary E. Wyant, and asks and requests
the Court to set aside, decline to accept and disapprove the report
of the Board of Appraisal Commissioners filed in this cause with
reference to this defendant in Tract No. 167, which said tract
contains 340 acres and is situate on Hawksbill Creek, in Stonewall
District, Rockingham County, Virginia; for the following reasons:

- (1) Because the value placed upon the said land and timber
by the Board of Appraisal Commissioners is grossly inadequate.
- (2) Because the finding or findings in question are so manifest-
ly inadequate when considered together with the evidence before the
Court, as to justify a finding that in making such finding or findings
the Board of Appraisal Commissioners or some of them were affected or
influenced by some mistake of law as to the nature and effect of the
evidence, with reference to which such finding or findings were made.

Wherefore, the said Mary E. Wyant prays the Court that an
order may be entered setting aside, declining to accept, and disapprov-
ing the report of the Board of Appraisal Commissioners in so far as
it relates to or affects the said lands owned and claimed by the said
Mary E. Wyant.

Said Mary E. Wyant further moves the Court to exclude her said
lands from the Park area and to release her said lands from the said
condemnation proceedings.

*These exceptions withdrawn by order of
Court entered Nov. 17, 1932, Common Law
Order Book # 19 page 459. M. G. Bowers, D.C.*

2.

Your movant herewith files affidavits as to the value of the
said land.

MARY E. WYANT

By counsel

Ralph H. Bader
Counsel

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

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, Virginia.

Affidavit to be read in connection with motion filed by Mary
E. Wyant to have the finding of the Board of Appraisal Commissioners
disapproved in connection with its finding No. 167.

State of Virginia,

County of Rockingham, to-wit:

This day personally appeared before me, Ralph H. Bader,
a Notary Public in and for the County of Rockingham, in the State of
Virginia, T. W. Richards, who after being duly sworn, deposes and
says as follows:

That he is well acquainted with the tract of land belonging to
Mary E. Wyant, containing 340 acres, situate on Hawksbill Creek, in
Stonewall District, Rockingham County, Virginia, known as Tract No.
167, in the report of the Board of Appraisal Commissioners, and that
the amount allowed by said Commissioners for said land is grossly
inadequate; the same being well worth the sum of \$5,372.50; that
he has determined the value of said tract of land as follows:

298 acres slope, at \$5.00 per acre	\$1,490.00
7 acres cove, at \$5.00 per acre	35.00
17 acres grazing land, at \$25.00 per acre	425.00
3 acres fields restocking, at \$15.00 per acre	45.00
13 acres cultivated land, at \$60.00 per acre	780.00
Value of improvements	2,030.00
Value of orchard	120.00
Value of timber	300.00
Value of wood	100.00
Fencing and improvements since appraisalment	47.50

Total \$5,372.50

T. W. Richards

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

Ralph H. Bader
Notary Public

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

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, Virginia.

Affidavit to be read in connection with motion filed by Mary
E. Wyant to have the finding of the Board of Appraisal Commissioners
disapproved in connection with its finding No. 167.

State of Virginia,

County of Rockingham, to-wit:

This day personally appeared before me Ralph H. Bader,
a Notary Public in and for the County of Rockingham, in the State of
Virginia, E. J. Carickhoff, who after being duly sworn, deposes
and says as follows:

That he is well acquainted with the tract of land belonging to
Mary E. Wyant, containing 340 acres, situate on Hawksbill Creek, in
Stonewall District, Rockingham County, Virginia, known as Tract No.
167, in the report of the Board of Appraisal Commissioners, and that
the amount allowed by said Commissioners for said land is grossly
inadequate; the same being well worth the sum of \$5,372.50; that
he has determined the value of said tract of land as follows:

298 acres slope, at \$5.00 per acre	\$1,490.00
7 acres cove, at \$5.00 per acre	35.00
17 acres grazing land, at \$25.00 per acre	425.00
3 acres fields restocking, at \$15.00 per acre	45.00
13 acres cultivated land, at \$60.00 per acre	780.00
Value of improvements	2,030.00
Value of orchard	120.00
Value of timber	300.00
Value of wood	100.00
Fencing and improvementssince appraisalment	47.50

Total

\$5,372.50

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

Ralph H. Bader
Notary Public

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
52,561 acres, more or less, of land in
Rockingham County, Virginia

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

NOV 5 1932

J. Robert Shultz Clerk

In compliance with the order entered in the above entitled case on the 25th day of October, 1932, and in response thereto, your defendant respectfully states that the tract or parcel of land within the area sought to be condemned, ownership of which is claimed by her, and with reference to which she has filed her objections, is the same tract or parcel which was found by the Appraisal Commissioners to be land owned by her, being Tract No. 167, as shown and delineated on the map filed with the report, and exhibit sheets thereto attached, made by said Commissioners.

MARY E. WYANT

By Counsel

Ralph H. Bader
Counsel

*Withdrawn 11/17/32 by
order of Court
Common Law 19 page 457*

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
52,561 acres, more or less, of land in
Rockingham County, Virginia.

Upon the motion of Mary E. Wyant, by counsel, leave is
hereby given her to withdraw the exceptions filed by her to the
report of the Board of Appraisal Commissioners and the same is
accordingly done.

Enter:

AWB Judge

19
459
11/17/32

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
52.561 acres, more or less, of land in
Rockingham County, Virginia

as to portion

Upon the motion of Mary E. West, of counsel, leave is

hereby given her to withdraw the petition filed by her to the
report of the Board of Appraisal Commissioners and the same is

accordingly done.

Enter:

*11/14/84
H. P. A.
19*