

IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY VIRGINIA.

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

Petitioner

v.

CLIFTON AYLOR, AND OTHERS, AND THIRTY SEVEN THOUSAND FOUR HUNDRED (37,400) ACRES OF LAND, MORE OR LESS, IN RAPPAHANNOCK COUNTY,

Defendants.)

IN RE: Claim of R. L. Cheatham, J. A. Williams, Paul Taylor and A. M. Priest.

J. Allen Williams, being first duly sworn, upon his oath deposes and says that he is now thirty-five years of age and for more than nine years last past has been a resident of Rappahannock County, Virginia; that he is one of the owners of the properties known as the Panorama Resort which are now owned by the claimants herein.

That in November, 1923, claimants acquired from J. W. Atkins three tracts of land known as tracts Nos. 1, 2 and 3 and containing, respectively, 36, 19 and 4 acres of land, at a cost of \$7,083; that the engineers representing the plaintiffs fixed a value on said tracts of land of \$7,600; that tracts Nos. 1 and 2 are located in Rappahannock County and that tract No. 3 of 4 acres is located in Page County; that the same persons constitute the Board of Appraisal Commissioners in Rappahannock and Page Counties; that said Board of Appraisal Commissioners in Rappahannock County awarded to claimants \$1,900 for 50 acres of land, which is 5 acres less than affiant believes is contained in tracts Nos. 1 and 2 in Rappahannock County, and is just one-fourth of the value found by the plaintiff's own witnesses. The Board of Appraisal Commissioners in

Page County made no report on tract No. 3 in said county and made no award to claimants with respect thereto although affiant believes that said tract containing 4 acres is within the proposed park area and the description contained in these condemnation proceedings in Page County.

In August, 1924, claimants acquired from J. W. Atkins lands known as lots Nos. 11 and 15 in Rappahannock County at a cost of \$285 and \$205, respectively. Plaintiff's engineers estimated the value of these lots as \$285 and \$205, respectively. In May, 1925, claimants acquired from Mary E. Smith lands known as lots Nos. 12 and 13 in Rappahannock County at a cost of \$200 for each lot; that plaintiff's engineers estimated the value of lot No. 12 at \$300 and lot No. 13 at \$200; that the Board of Appraisal Commissioners in Rappahannock County made no award on said lots Nos. 11 and 12 although affiant believes said lots are located in said Rappahannock County, but the Board in Page County awarded \$200 for said two lots, which sum is only a little over one-third of the value fixed by plaintiff's own witnesses and much less than one-half of the cost of said lots. The Board of Appraisal Commissioners in Rappahannock County awarded to the claimants \$200 for lots No. 13 and 15, which is less than one-half of the cost and of the value fixed by plaintiff's own witnesses.

Claimants acquired in the years 1924, 1925 and 1928 lands known as lots Nos. 1, 2, 3, 4 and 5, all located in Page County except a portion of lot No. 5 which is in Rappahannock County, at a cost of \$1,610. Plaintiff's engineers placed a value upon said lots of \$1,610. The Board of Appraisal Commissioners in Rappahannock County made no award upon these lands although a part of said lot No. 5 is located in said county, but the Board in Page County awarded to claimants for said five lots the sum

of \$750, which is less than half of the cost of said lots and the value fixed thereon by plaintiff's own witnesses.

The claimants acquired in May, 1925, from Towson Smith, land known as lot No. 21 in Rappahannock County, at a cost of \$475. Plaintiff's engineers fixed a value on said lot of \$475. Neither the Board of Appraisal Commissioners in Rappahannock County nor the Board in Page County made any award to claimants upon this lot.

In February, 1928, claimants acquired 210.5 acres of land known as Mary's Rock Tract for a consideration of \$3,000. Part of this tract is located in Rappahannock County and the remaining part in Page County. The report of plaintiff's engineers filed in these proceedings states that the tract was supposed to contain 250.5 acres of land, but by calculating the area that was sold off, consisting of 32 acres, it would leave only 196 acres, which mathematical calculation is obviously inaccurate. The Board made an award for 196 acres in the amount of \$244 in Rappahannock County and \$204 in Page County, or a total of \$448 for 196 acres in both Counties, which sum is only about one-seventh of the consideration for said lands in the acquisition thereof by claimants.

When claimants acquired the above tracts of land, there were no improvements thereon, the lands were cut over badly burned mountain lands with a dense growth of underbrush and much loose rock thereon. A number of such tracts were purchased at auction sales held in the settlement of the estates, and when said lands were acquired there was only a very poor and rough mountain road leading to or past the same.

In about 1926 the Lee Highway was designated. During 1928, 1929 and 1930, the paving of Lee Highway was completed and now this highway, being a modern, wide, hard-surfaced road,

passes through said lands and furnishes an arterial highway connecting said lands with Washington, D. C., and furnishes connecting roads from other large centers of population.

Since acquiring said lands, claimants have spent a great amount of time, effort and money in removing the underbrush and loose rocks from said lands, in pruning and cultivating the trees thereon, in landscaping the properties and planting trees and shrubbery to make the properties more beautiful and attractive, and in constructing roadways, paths and other similar facilities upon said lands.

Plaintiff constructed at an expense of about \$750 a roadway leading from the entrance to these properties on the Lee Highway, a distance of about 1/4 mile up the mountain, to the hotel which the claimants erected on said lands.

Claimants, at a cost of about \$5,000, have erected a hotel building having fourteen rooms for guests, a large lobby or sitting room with a massive stone fireplace in one end, an office for the conduct of the business of the hotel and the resort, and with modern plumbing supplying running water, toilet facilities, etc., for the guests. The building is of frame construction heavily built with heavy frame sheeting covered with building paper, and on the front and sides is shingled with poplar bark. The back of the building is covered with heavy tar paper roofing. A wide and substantial rustic porch extends around three sides of the building. Claimants have planted many trees and shrubs in landscaping around the structure.

Claimants, at a cost of about \$3500, have erected a large kitchen, dining room and pantry to serve the hotel. This building is separate and apart from the hotel but located near to the same and connected therewith by rustic paths. The building is a frame structure, similar to the hotel, the front and sides thereof being covered with poplar bark. The building

is fully equipped with necessary shelves, etc. for the purposes for which intended. of repair. The cost of said building was

about \$1. Claimants have also caused to be constructed and erected on said premises a very substantial and costly building for use as a tea room. This building is located next to the entrance and adjoining the Lee Highway. It is located right at the top of the Blue Ridge Mountains on said Highway. It consists of a large lobby or tea room, five guest rooms, three rooms for help, a dining room, a kitchen and a cellar. Said building is fully equipped with plumbing furnishing running water in the kitchen, dining room and bath, and toilet facilities for the guests and servants. It is a stone structure, the stones being carefully selected and matched and hauled from quarries at the foot of the mountain. The masonry is faced and pointed on either side and has eighteen inch walls. It was designed by an architect and presents an exceedingly attractive appearance, having a shingle roof with many gables and a stairway and platform on the top of the house used as an observation platform. On one side there is a wing wall with a pier extending to the stone arch entrance to the roadway leading up the mountain to the hotel, and on the other side of the arch entrance is another stone wall or pier extending to the stone gasoline filling station, which is hereinafter described. The tea room is set on very heavy foundations and on one end is a massive stone fireplace. The cost of the erection of the tea room building was approximately \$16,500, and affiant believes that the present fair cash value of the same is far in excess of such cost. The building is in an excellent state of repair. affiant believes

that the claimants have also constructed upon said lands the following cottages for use by guests at the summer resort:

A four room cottage, known as Fairview, having bath and toilet facilities, with a large stone chimney. This building

is of frame construction with a shingled exterior and is in an excellent state of repair. The cost of said building was about \$1600, and affiant believes that the present fair cash value of the same is in excess of such cost.

The cottage known as Gables, being a five room structure with two baths and two toilets and a large stone chimney with a fireplace. This is of shingle construction and was erected at a cost of about \$1800. The building is in an excellent state of repair and affiant believes that the present fair cash value of the same is in excess of the cost thereof.

The cottage known as Oak Grove, which is a two room cottage equipped with shower and toilet facilities, and a stone chimney and fireplace, the construction being shingle sides and a composition shingle roof. The cost of this building was about \$750, and affiant believes that the present fair cash value of the same is in excess of the cost.

The cottage known as Pine Crest, which is a three room building, having a bathroom, a large stone chimney and a fireplace. This building is of shingle construction and was erected at a cost of about \$1500. Affiant believes that the present fair cash value of the same is in excess of such cost.

The cottage known as Valley View, which is a seven room building with two bathrooms and five porches. The building is of shingle construction on the side and a composition shingle roof. It has a large stone chimney with a fireplace. The building is in excellent state of repair and the cost of construction of the building was about \$2250. Affiant believes that the present fair cash value of the same is in excess of such cost.

All of such cottages have the necessary plumbing for the toilet and bath facilities and are supplied with rustic

porches and rustic pathways leading to the hotel building and the dining room.

Claimants have also erected on said lands a three room caretaker's cottage of boarded and stripped sides and paper roof, with porches and a substantial brick flue, at a cost of \$450; Two frame structures, each with composition roofs, one of two rooms and the other of four rooms, as quarters for servants and waitresses. The cost of the erection of such buildings was about \$500. These buildings are in a good state of repair and affiant believes that the present fair cash value of the caretaker's cottage and the servants and waitresses cottages is in excess of the cost of construction thereof.

Claimants have also established the necessary pipes, drains, etc. for a water and sewage system, including two large septic tanks and three smaller septic tanks, and heaters to supply hot water to the various buildings, with the necessary housing facilities for this equipment, and have erected a separate building used as a shower bath and toilet, equipped with necessary plumbing and other facilities. The cost of such construction, equipment and facilities was about \$2,000. Affiant believes that the present fair cash value of such facilities is in excess of the cost thereof.

Claimants have also caused to be constructed upon the properties a garage near the hotel building and another garage near the tea room, at a cost of about \$375. These are frame structures inexpensively built but are in a good state of repair and affiant believes the present fair cash value of the same is in excess of the cost.

Claimants have also caused to be constructed a building formerly used as a tea room and now known as the old tea house, which is across the Lee Highway from the other buildings

at said summer resort. This is a frame building, substantially built, with a good shingle roof, the outside of the building being covered with bark for a rustic effect. The cost of the erection of said building was about \$750. Affiant believes that the present fair cash value of the same is in excess of such cost.

Claimants have also caused to be erected on said lands a stone gasoline filling station and storage room provided with toilet facilities for rest rooms for tourists. This building is a very substantial stone structure corresponding to the construction of the tea room and is located near said tea room immediately adjoining the Lee Highway. The cost of the construction of said building was about \$3,000. Affiant believes that the present fair cash value of said building is in excess of the cost of construction.

Affiant further says that he believes that all of said buildings and improvements are in a good state of repair and preservation, the same having been from time to time repaired as any deterioration became apparent, and that he believes that said buildings and improvements now have a fair cash value far in excess of the cost thereof, which as above shown was \$38,700. That the Board of Appraisal Commissioners in Rappahannock County allowed only \$13,400, and the Board of Appraisal Commissioners in Page County allowed only \$14,503, as the value of said buildings and improvements, or a total of \$27,903 in both counties. Affiant believes and therefore avers that said award of \$27,903 for said buildings and improvements is far less than the fair cash value thereof and is grossly inadequate and is less than the valuation fixed upon said properties by the plaintiff's own engineers.

Claimants have completely equipped the hotel, the cottages, the sleeping rooms at the tea room, and the servants'

quarters with good substantial furniture, including beds, chairs, dressers, etc., and have procured and installed a complete and large supply of blankets, bedding, towels, linens and other such supplies. Claimants have also procured and installed in the dining room and the tea room a very large number of substantial and attractive tables and chairs, dishes, silver, glassware and dining room linen. Claimants have also procured and installed in the kitchens at the dining room and the tea room complete equipment such as stoves, electric refrigerators, coffee urns, sinks, dish-washing machines, cooking utensils, etc. Claimant has also procured and installed in the tea room a modern soda fountain, chairs, cigar counters, showcases, a radio and settees in the lobby thereof. Claimants have also procured and installed at the gasoline filling station a supply of tools and equipment and have caused to be installed at said filling station four gasoline pumps and necessary oil and grease equipment. All of the equipment on the property has been procured and installed by the claimants at a cost of about \$150.00. Affiant believes and therefore avers that if the lands and buildings are taken by plaintiffs herein, the value of such equipment will be almost entirely lost and destroyed and the cost of transporting said equipment to said premises and of installing the same thereon will be entirely lost and destroyed. Affiant further believes that such equipment as is now installed and located on said premises has a fair cash value of at least \$ 9,616.75 Such equipment was procured and installed especially for the conducting on these premises of a summer resort.

Affiant further says that since the year 1925, claimants have expended a large amount of labor, time and effort, and the sum of \$4270.20 in the improvement and cultivation of the grounds, trees, shrubs, paths and roadways on said lands,

and that all such expenditures have greatly added to the value of said lands. That said improvements resulting from the expenditure of said labor and money now have a fair cash value of at least \$10,000, but that all of said value will be entirely lost to the claimants if the lands are taken by plaintiff herein.

Affiant further says that since the year 1925 claimants have expended a large amount of time, work and effort, and the sum of \$4,057.44 in advertising the land of claimants as a summer resort, and as a result thereof said premises have become well known among a large class of people as a desirable summer resort and there has been created an additional value to said lands for summer resort purposes of at least \$20,000 and that all of said value will be taken from and lost to claimants if their lands are taken by plaintiff herein.

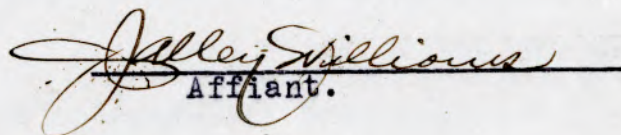
Affiant further says that claimants have spent a large amount of time, effort and money in acquiring the lands, laying out, planning and constructing the buildings and improvements, improving the grounds, trees, shrubs, paths and roadways, procuring and installing the necessary suitable and desirable furniture, furnishings and equipment, bringing together and training an efficient corps of employees to operate the place as a summer resort, in advertising and creating among a large class of people a favorable reputation of the lands as a very desirable summer resort and that all of said things have created a very favorable reputation of the lands and the improvements as a very desirable summer resort among large classes of the public and have greatly increased the value of said lands and buildings. That all of said value has become and is a part of the special value of the lands and buildings for summer resort purposes. That affiant believes these lands and buildings as now situated thereon have a fair cash value of

over \$25,000 for summer resort purposes, which is outside of and in excess of the value of such lands and buildings for ordinary uses and in excess of the cost of such lands and buildings. That the Board of Appraisal Commissioners allowed to said claimants the sum of \$1,000 as the special value of said properties for summer resort purposes. That affiant believes and therefore avers that said amount of \$1,000 is so grossly inadequate as to shock the conscience of the court.

Affiant further says that prior to 1930, the roads leading to and through said summer resort were under construction and that because thereof the business of the summer resort was not what one should and could expect under normal conditions, and that since the year 1930 abnormal conditions of a general depression have existed which has seriously decreased what one might otherwise expect of a business of a summer resort, but that even under such adverse conditions the lands and improvements have made a net profit which amounts to fair return upon an investment of \$100,000.

Affiant believes and therefore avers that the fair market value of said lands and improvements is the sum of \$150,000.

Affiant further says that the Board of Appraisal Commissioners in Rappahannock County allowed a total of \$16,500 for both the lands and improvements, and the Board of Appraisal Commissioners in Page County allowed a total of \$16,753, or a total of \$33,253. Affiant believes that such amount is grossly inadequate and that the taking of such properties of claimants at such a price would constitute a confiscation of their property for public use without just compensation.


Affiant.

STATE OF *Virginia*)
COUNTY OF *Nappahannock*) ss:

Subscribed and sworn to before me, a Notary Public in and for the County and State aforesaid, this 28th day of July, A.D., 1933.

Notary Public
Wm. J. Williams

RECORDED IN THE OFFICE OF THE CLERK OF THE SUPREME COURT OF APPEALS IN VIRGINIA
FILED IN

Geo E Leary
Notary Public.

My Comm. expires Jan 14/1936

first July 1933, upon his
thirty-five years
years last past he
one of the owners of the properties known as the Panorama
Resort which are now owned by the claimant's heirs.

That in November, 1925, claimants acquired from
J. W. ... three tracts of land known as tracts Nos. 1, 2, 3
and 4 and containing, respectively, 30, 20 and 4 acres of land,
at a cost of \$4,000; that the engineers representing the plain-
tiff ... fixed a value on said tracts of land of \$9,500; that
tracts Nos. 1 and 2 are located in Nappahannock County and that
tract No. 3 of 4 acres is located in Page County; that the
said persons constitute the Board of Appraisal Commissioners in
Nappahannock and Page Counties; that said Board of Appraisal
Commissioners in Nappahannock County awarded to claimants
\$1,000 for 30 acres of land, which is 3 acres less than affiant
believes is contained in tracts Nos. 1 and 2 in Nappahannock
County, and is just one-fourth of the value found by the plain-
tiff's own witnesses. The Board of Appraisal Commissioners in

*Affidavit of J. Allen
Williams -*

(Panorama)

FILED IN
CLERK'S OFFICE
RAPPAHANNOCK COUNTY

July 28 - 1933
Teste: Jas M. Settle Clerk

NOTARY PUBLIC

Book 3

283/11/33

Subscribed and sworn to before me, a Notary Public in and for the County and State aforesaid, this 28th day of July, A.D., 1933.

COUNTY OF Rappahannock
STATE OF Virginia

IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY VIRGINIA.

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

Petitioner

v.

CLIFTON AYLOR, AND OTHERS, AND
THIRTY SEVEN THOUSAND FOUR HUNDRED
(37,400) ACRES OF LAND, MORE OR
LESS, IN RAPPAHANNOCK COUNTY,

Defendants.

IN RE: Claim of R. L. Cheatham, J. A. Williams, Paul Taylor
and A. M. Priest.

Julian S. Price, being first duly sworn, upon his oath deposes and says that he is now fifty-nine (59) years of age and has lived all of his life in Page County, Virginia; that he is now engaged in the insurance business in Luray, in said county and state; that until recently he was the President of the First National Bank of Luray, having spent twenty-seven years as cashier of that bank immediately prior to the time that he became the President thereof; that he is familiar with and knows the properties owned by the claimants R. L. Cheatham, J. A. Williams, Paul Taylor and A. M. Priest, which said properties are known as the Panorama Resort; that a part of the time during which affiant was connected with said First National Bank of Luray, said claimants conducted their banking business at said bank and in that connection the affiant became familiar with the activities of said claimants in the establishment and operation of said Panorama Resort; that for some time past affiant has written the insurance upon the buildings at said Panorama Resort and that in his activities in the banking and other business in

Luray, Virginia, he has become and is now acquainted with the values of lands and properties in that section of the mountains where said Panorama Resort is located.

Affiant further says that he recalls when the claimants began the acquisition of lands for the establishment of said resort and that he knows that claimants acquired the lands upon which said resort is built a number of years ago. Affiant is advised that some of such lands were acquired in the year of 1923, others in the years 1925 and 1926, and some of the less important lands were acquired in the year 1928, and that he is advised that the claimants paid for said lands upon which said resort properties are built at the respective times of their purchase of said properties the aggregate sum of Fourteen Thousand Nine Hundred Dollars (\$14,900), without any improvements thereon. At the time of the original purchases in 1923, 1925 and 1926 the lands so purchased were unimproved cut over mountain lands with a large amount of underbrush and rocks thereon. At that time there were only very poor rough mountain roads passing or near to said lands. Since that time a large part of the lands near the highways has been greatly improved by the removal of underbrush and rocks, the construction of paths, roadways and similar conveniences, by landscaping and by the establishment, construction and operation of a modern resort hotel property, including an expensive tea room building, gasoline filling station and other conveniences next to the roadway. Also since that time the Lee Highway has been constructed and now a broad modern hard-surfaced road connecting with Washington, D. C. and other centers of population passes through these lands. Such lands are located at the top of the first mountain on the Lee Highway coming from Washington, D. C. and constitute an ideal

location for a summer resort and tea room properties. There is a wonderful view of the mountains and the valleys from these properties and from the Lee Highway passing through these properties and the elevation causes the temperature in summer to be several degrees lower than that of nearby cities and centers of population, with cool breezes prevailing at most all times during the summer months.

Affiant believes that the value of the lands without improvements thereon is now two and a half or three times what the owners and claimants paid for the same. Affiant is further advised and believes that the Board of Appraisal Commissioners has allowed to the claimants less than Five Thousand Dollars (\$5,000) for the land value without improvements, and One Thousand Dollars (\$1,000) as a special value of the properties for summer resort purposes. Affiant believes that such valuation by the Board of Appraisal Commissioners is grossly and manifestly inadequate and is but a small fraction of the actual value at this time of said lands without any improvements thereon.

Affiant further states that the claimants after the acquisition of the lands planned the erection and operation of a modern resort hotel; that after years of work and the expenditure of large amounts of money they have removed and kept clear the underbrush, the undesirable and inconvenient loose rocks, have cultivated, improved and pruned many of the native trees to add to the beauty of the location, have planted a large amount of trees and shrubbery, have constructed roadways and paths at convenient places over the mountain, have erected next to the Lee Highway an expensive building which is fully equipped for the operation of a tea house or restaurant, with sleeping quarters for guests, as well as the operators and servants on the upper floor of said building,

have also constructed at the roadway a convenient and well equipped stone gasoline filling and service station, have constructed at said Lee Highway a stone arch forming an entrance to the roadway leading to the hotel properties higher up the mountain, have constructed near the top of the mountain back of the tea house a substantial, convenient and well equipped hotel for the accommodation of guests, and have constructed another building fully equipped for use as a dining room and kitchen for the guests at the hotel, and have constructed five (5) modern cottages for the use of summer guests, together with other conveniences, such as caretakers' houses, servants' houses, shower baths, garages and tennis courts. Practically all of these houses and buildings are equipped with toilet and bath facilities and with large solidly constructed stone fire places.

Affiant further knows that said claimants have spent a large amount of time and money in building up an efficient operating personnel to operate said resort properties and in advertising the same.

Affiant further states that he believes that if the lands upon which the resort is established and operated is taken for a public park the value of all the investments made by the claimants herein, as well as the value of all the work and effort which they have expended in improving said properties and developing and establishing said resort will be entirely destroyed.

Affiant is further advised that the Board of Appraisal Commissioners has allowed a total of approximately Thirty-three Thousand Dollars (\$33,000) for the properties to be taken in these proceedings; that based upon his knowledge of the expenditures made by the claimants herein the amount of time and effort expended in the improvement and development of these properties and the income produced therefrom during the years

of operation, that said properties at this time have a fair cash value of nearer One Hundred Thousand Dollars (\$100,000). Affiant further says that he believes an allowance or award of Thirty-three Thousand Dollars (\$33,000) for said properties is grossly and manifestly inadequate.

Affiant further says that he has no interest in the ownership or operation of said properties and is not related to the owners or operators thereof.

Julius J. Rice

Subscribed and sworn to before me, the undersigned Notary Public in and for Page County, in the State of Virginia, this 19th day of July, 1933.

My commission expires
Feb. 4, 1937.

Margaret Strickler

Notary Public.

IN THE
CIRCUIT COURT OF RAPPAHANNOCK COUNTY VIRGINIA

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

Petitioner

v.

CLIFTON AYLOR, AND OTHERS, AND
THIRTY SEVEN THOUSAND FOUR HUNDRED
(37,400) ACRES OF LAND, MORE OR LESS,
IN RAPPAHANNOCK COUNTY,

Defendants.

IN RE: Claim of R. L. Cheatham, J. A. Williams, Paul Taylor
and A. M. Priest.

James W. Ramey, being first duly sworn, upon his oath deposes and says: That he has lived in Rappahannock County, Virginia, all of his life and for many years past has lived and farmed on the mountain lands near the properties known as the Panorama Resort; that he is familiar with and knows said Panorama Resort properties which are now owned and claimed by R. L. Cheatham, J. A. Williams, Paul Taylor and A. M. Priest; that for many years past he has owned lands near said Panorama Resort properties and at times has bought and sold lands close to said properties, and that he is acquainted with the values of lands and properties in that part of the mountains where said resort properties are located.

Affiant further says that he is advised that the claimants acquired the lands, upon which said Panorama Resort is built and operated, a number of years ago, some of such lands being acquired in the year 1923, others in the year 1925 and 1926, and some of the less important lands being acquired in the year 1928, and that he is advised that said present owners and claimants of said Panorama Resort properties paid at the respective times of

the purchase of said properties the aggregate sum of \$14,900 for said lands without any improvements thereon. At the time of the original purchases in 1923, 1925 and 1926, the lands so purchased were unimproved, cut over mountain lands with a large amount of underbrush and rocks thereon. At that time, there were only very poor mountain roads passing or near to said lands. Since that time, a large part of the lands in said resort properties near the roadways have been greatly improved by the removal of underbrush and rocks, the construction of paths, roadways and similar conveniences and the establishment, construction and operation of a modern resort hotel property including an expensive tea room, gasoline filling station, and other conveniences next to the roadway. Also since that time, the Lee Highway has been constructed and a broad, modern, hard surface road connecting with Washington, D. C., and other centers of population passes through these lands. Said lands are located at the top of the first mountain on the Lee Highway coming from Washington, and constitute an ideal location for a summer resort and tea room properties. There is a wonderful view of the mountains and the valleys from these properties and from the Lee Highway passing through said properties, and the elevation causes the temperature in summer to be several degrees lower than that of nearby cities and centers of population, with cool breezes prevailing at most all times during the summer months.

Affiant knows of no other similar properties near said Panorama Resort which have the natural advantages together with improved roadways so necessary to a successful operation of a summer resort.

Affiant believes that the value of the lands without any improvements whatsoever thereon is now at least three times what the owners and claimants herein paid for the same. Affiant is

IN THE
NOTARY COURT OF RAPPAHANNOCK COUNTY VIRGINIA

further advised and believes that the Board of Appraisal Commissioners has allowed to the claimants and owners of said lands less than \$5,000 for the land value without improvements, and \$1,000 as a special value of the properties for summer resort purposes. Affiant further believes that such valuation by the Board of Appraisal Commissioners is grossly and manifestly inadequate and is but a small fraction of the actual value at this time of said lands without any improvements thereon.

Affiant talked with some of the members of the Board of Appraisal Commissioners who made the award to the claimants of said Panorama Resort properties at the time said Commissioners were investigating the properties in Rappahannock and Page Counties, and was advised by one of the members of said Board of Appraisal Commissioners that in fixing the values the Board did not take into consideration the location of lands near an improved hard surface road, but allowed the same values for lands far removed from any roadway as for those located near and adjoining to such an improved highway.

Affiant further says that he has no financial or other interest in the Panorama Resort or the ownership or operation thereof, and is not in any way related to any of said owners.

James W. Ramsey

Subscribed and sworn to before me, a notary public in and for Rappahannock County, of Virginia, this 18th day of July, 1933.

Geo. E. Leary
Notary Public

My commission expires Jan 14 1936

IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY, VIRGINIA

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AND DEVELOPMENT OF THE STATE OF
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Defendants.

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and A. M. Priest.

Col. Carroll Menefee, being first duly sworn, upon his oath deposes and says; That he now resides, and for many years last past has resided, in the Town of Sperryville, in Rappahannock County, Virginia; that he has for a number of years been actively engaged in business and among his other activities has bought, sold and owned various lands and properties in said Rappahannock County; that he is familiar with and knows the property owned by claimants, R. L. Cheatham, J. A. Williams, Paul Taylor and A. M. Priest, which said properties are known as the Panorama Resort, and that he is acquainted with the values of lands and properties in the section of the mountains where said Panorama Resort is located.

Affiant further says that he is advised that the present owners of said Panorama Resort acquired the lands, upon which the resort is built and operated, a number of years ago, some being acquired in the year 1923, others in the years 1925 and 1926, and some of the less important being acquired in the year 1928, and that he is advised that said present owners and claimants of said Panorama Resort properties paid at the respective times of the purchase of said properties the aggregate sum of \$14,900 for said lands without any improvements thereon. At the time of the original purchases in 1923, 1925 and 1926, the lands so purchased were un-

improved, cut over mountain lands with a large amount of underbrush and rocks thereon. At that time, there were only very poor mountain roads passing or near to said lands. Since that time, a large part of the lands near the roadways have been greatly improved by the removal of underbrush and rocks, the construction of paths, roadways, and similar conveniences, and the establishment, construction, and operation of modern resort hotel property including an expensive tea room, gasoline filling station and other conveniences next to the roadway. Also since that time, the Lee Highway has been constructed, and a broad, modern, hard surface road connecting with Washington, D. C. and other centers of population passes through these lands. These lands are located at the top of the first mountain on the Lee Highway coming from Washington, D. C., and constitute an ideal location for a summer resort and tea room properties. There is a wonderful view of the mountains and the valleys from these properties and from the roadway passing through these properties, and the elevation causes the temperature to be several degrees lower than that of nearby cities and centers of population, with cool breezes prevailing at most all times during the summer months.

Affiant further says that he is also familiar with a large area of the lands in the Blue Ridge Mountains which are near to improved highways, and that he knows of no other lands in that part of the Blue Ridge Mountains which are nearly so well suited and adapted, both because of their natural advantages and their proximity to improved highways, for summer resort and tea room properties as those lands upon which said Panorama Resort is now located.

Affiant believes that the value of the lands without any improvements whatsoever thereon is now two and one-half or three times what the owners and claimants herein paid for the same. Affiant is further advised and believes that the Board of Appraisal Commissioners has allowed to the claimants and owners of said lands

less than \$5,000 for the land value without improvements and \$1,000 as a special value of the properties for summer resort purposes. Affiant further believes that such valuation by the Board of Appraisal Commissioners is grossly and manifestly inadequate and is but a small fraction of the actual value at this time of said lands without any improvements thereon.

Affiant further says that he is not interested in the ownership or operation of the Panorama Resort, or the lands upon which same is located, and is not related to the owners thereof.

Carroll M. Lee
Carroll M. Lee

Subscribed and sworn to before me, a notary public in and for the Rappahannock County, Virginia, this 18th day of July 1933.

Commission Expires
June 23-1936

Paul D. Mitchell
Notary Public

IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY VIRGINIA

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

Petitioner

v.

CLIFTON AYLOR, AND OTHERS, AND
THIRTY SEVEN THOUSAND FOUR HUNDRED
(37,400) ACRES OF LAND, MORE OR LESS,
IN RAPPAHANNOCK COUNTY,

Defendants.

IN RE: Claim of R. L. Cheatham, J. A. Williams, Paul Taylor and
A. M. Priest.

J. W. Atkins, being first duly sworn, upon his oath deposes and says: That he is now fifty-eight years old and has lived all his life near the properties known as the Panorama Resort; that for a number of years past he has owned and farmed lands near to said resort properties; that he is familiar with and knows the properties owned by the claimants R. L. Cheatham, J. A. Williams, Paul Taylor and A. M. Priest, which properties are known as the Panorama Resort; that for many years past he has owned various tracts of land near said resort properties and has bought, sold and traded tracts of land near said properties, and that he is acquainted with the values of lands and properties in that section of the mountains where said Panorama Resort properties are located.

Affiant further says that he sold some of the lands upon which the Panorama Resort is now located to the claimants herein, and that he is advised that all of the lands, upon which said Panorama Resort is built and operated, were acquired by claimants a number of years ago, some of such lands being acquired in the year 1923, others in the years 1925 and 1926, and some of the less important lands being acquired in the year 1928, and that he is advised that said present owners and claimants of said Panorama Resort properties

paid at the respective times of the purchase of said properties the aggregate sum of \$14,900 for said lands without any improvements thereon. At the time of the original purchases in 1923, 1925 and 1926, the lands so purchased were unimproved, cut over mountain lands with a large amount of underbrush and rocks thereon. At that time, there were only very poor mountain roads passing or near to said lands. Since that time, a large part of the lands near the roadways have been greatly improved by the removal of underbrush and rocks, the construction of paths, roadways, and similar conveniences, and the establishment, construction, and operation of modern resort hotel property including an expensive tea room, gasoline filling station and other conveniences next to the roadway. Also since that time, the Lee Highway has been constructed, and a broad, modern, hard surface road connecting with Washington, D. C. and other centers of population passes through these lands. These lands are located at the top of the first mountain on the Lee Highway coming from Washington, D. C., and constitute an ideal location for a summer resort and tea room properties. There is a wonderful view of the mountains and the valleys from these properties and from the roadway passing through these properties, and the elevation causes the temperature to be several degrees lower than that of nearby cities and centers of population, with cool breezes prevailing at most all times during the summer months.

Affiant believes that the value of the lands without any improvements whatsoever thereon is now two and one-half or three times what the owners and claimants herein paid for the same. Affiant is further advised and believes that the Board of Appraisal Commissioners has allowed to the claimants and owners of said lands less than \$5,000 for the land value without improvements and \$1,000 as a special value of the properties for summer resort purposes. Affiant further believes that such valuation by the Board of Appraisal

Commissioners is grossly and manifestly inadequate and is but a small fraction of the actual value at this time of said lands without any improvements thereon.

Affiant further says that he is not interested in the ownership or operation of the Panorama Resort, or the lands upon which same is located, and is not related to the owners thereof.

J. W. Atkins

Subscribed and sworn to before me, a notary public in and for the Stafford County, Virginia, this 18th day of July, 1933.

Geo E Leary
Notary Public

My commission expires Jan 14 1936

*Affidavits In Re:
Panorma Hotel property.*

which same is located, and is not related to the owners thereof.
ownership or operation of the Panorma Hotel, or the lands upon
without any improvements thereon.
Affiant further says that he is not interested in the
a small fraction of the actual value at this time of said lands
Commissioners is grossly and manifestly inadequate and is not

FILED IN
CLERK'S OFFICE
RAPPAHANNOCK COUNTY

July 18, 1933.
Teste: *Jas. M. Settle*, Clerk

*Herman J. Galloway
728-17th Street N.W.
Washington, D.C.
(counsel) -*

V I R G I N I A :

IN THE CIRCUIT COURT OF THE COUNTY OF RAPPAHANNOCK:

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

vs

Clifton Avlor and others, and thirty-seven
thousand, four hundred (37,400) acres of land,
more or less, in Rappahannock County, Va.
Defendants

Your respondents, E.H. DeJarnette, Jr. and H.M. DeJarnette,
in answer to rule issued against them in November 3rd, 1932, res-
pectfully state that they own jointly the fifty (50) acres of land,
more or less, which was proposed to be condemned by the Park in the
above captioned suit. That they have already filed exceptions to
the said report as to the inadequacy of the consideration awarded
them. That these exceptions are accompanied with receipts showing
that there was shipped from this orchard in 1931, 888 barrels of
apples and that the consideration awarded to the said H.M. DeJar-
nette and E.H. DeJarnette, Jr. is inadequate. That E.H. DeJarnette, Jr.
went over the property with the commissioners and was amazed at
their report.

Respectfully submitted,

Hon. signed by E.H. DeJarnette, Jr.
E.H. DeJarnette, Jr.

The State Commission on
Conservation & Development
of state of virginia

vs

Clifton Aylor and others

Answer of

E.H. DeJarnette, Jr.
and
H. M. DeJarnette

FILED IN
CLERK'S OFFICE
RAPPAHANNOCK COUNTY

Dec - 17 19 *32*
Teste: *Jas. M. Smith* Clerk

their report.

Respectfully submitted,
E. H. DeJarnette, Jr.

Development, of the state of Virginia
petitioner
The state Commission on Conservation and

IN THE CIRCUIT COURT OF THE COUNTY OF RAPPAHANNOCK:

VIRGINIA:

Charleston West Virginia
Kanawha County,
July - 13 - 1932.

James M. Sutes

Dear Sir, your letter of July 12th - 1932

just received, I am replying immediately
so you will receive my reply before the time
expires in regard to my answer to the
Commission.

Please excuse this my exception
to the report of Commission, I am not
satisfied with the price of \$938⁰⁰ for
60 acres of my Wood Land of course there
must be fine timber of years of growth of
different kinds of wood that bring the highest
the highest price on the market - \$15-dollar
is a mere pittance for the cheapest land
on the market and I positively refuse to
take it for fine mountain or timber land
for which I have to maintain the upkeep of
of my farm. I reserve all and any mineral
rights on the 60 acres as well as the highest
price paid for any of it or by others around
me - and I shall file damages if any damage
arises to the remaining acres
to inform the Commission I positively refuse
to take their pitiful offer of \$15 - per acre.

Yours Truly
My Dear P. Putney
Charles M. Sutes

FILED IN
CLERK'S OFFICE
RAPPAHANNOCK COUNTY

July 15th 1932
Teste: Jan. M. Little Clerk

Virginia

In the Circuit Court of Pappahannock County

The State Conservation and Development Commission of
the State of Virginia

Plaintiff

vs

Exceptioner Answer

A Harrison Jenkins

Defendant

To the Hon J R H Alexander Judge of said Court

Your respondent and exceptant A Harrison Jenkins,

excepts to the report of the appraisers filed in the Clerk's

Office of this Court on the 18th day of May 1932, in the

above entitled cause, for the following reasons to wit

1st That the Appraisers only allowed your respondent the

sum of \$ 3018.58 for the 360 acres of land owned by

him and proposed to be taken in this cause:

2nd That this sum is inadequate, unfair and unjust,

that the land is of far greater value than the amount so

allowed by the said Appraisers, and that the said

respondent and exceptant can and will show by

preference that the said sum so allowed as

above said, is inadequate unfair and unjust

Respondent + exceptant shows that the tract of land

proposed to be taken as above said, will be found described in

Record 149 tract 10214 filed in said Clerk's Office

Therefore respondent + exceptant pray that he be not

deprived of the said property without just compensation, and

that the appraisers be required to correct their findings,

and allow the respondent + exceptant the true

value of his said land, or that other appraisers be

appointed to reappraise this said property, as he will ever pray

A Harrison Jenkins by D Shepherd

Subscribed & sworn to before me this 16th of July 1932, Elizabeth N. DeBorgh, Dep. Clk.

Faint handwritten text at the top of the page, possibly a date or reference number.

Faint handwritten text in the upper middle section.

Faint handwritten text in the middle section, partially obscured by the stamp.

FILED IN
CLERK'S OFFICE
KAPPAHANSK COUNTY
1932
DuBois, Pa.
[Signature]

Main body of faint handwritten text, appearing to be a letter or report.

The following tabulation shows land owned by Paul Taylor, Raymond L. Cheatham, J. A. Williams and A. M. Priest, owners of Panorama Resort:

Designation	Area	Date of Deed	Deeded from	Recorded in Record Book
First Tract	36 acres	11/20/23	J. W. Atkins Annie O. Atkins	Rappk. #32 p. 14
Second Tract	19 "	11/20/23	J.W. Atkins Annie O. Atkins	Rappk. 32 14
Third Tract	4	11/20/23	J.W. Atkins Annie O. Atkins	Page 84 312
Lot No. 1	1.40	8/1/24	W.M.Fletcher Robert Leedy Spec. Com'rs	Page 85 444
Lot No. 11	4.05	8/1/24	W.M.Fletcher Robert Leedy Spec. Com'rs	Rappk 32 329
Lot No. 15	2.21	8/1/24	W.M.Fletcher Robert Leedy Spec. Com'rs	Rappk. 32 329
Mary's Rock	210.5 "	8/1/24	W.V. Ford W.F.Fletcher Commissioners	(Copy of deed on hand shows no record)
Lot No. 12	.96 "	5/6/25	May E. Smith	Rappk. 32 599
Lot No. 13	.87 "	5/6/25	May E. Smith	Rappk. 32 599
Lot No. 2	.68 "	5/8/25	W.J.Smith Fannie W.Smith	Page 86 485
Lot No. 21	.89 "	5/12/25	T. E. Smith	Rappk. 33 1
Hoak Tract 27-20/160	"	11/5/25	Ernest Hoak Mamie Hoak	Page 87 309
Lot No. 3	.68 "	7/26/28	(Blue Ridge Land Corporation)	Page 91 476
Lot No. 4	.69 "	7/26/28	ditto	Page 91 476
Lot No.5	.80 "	7/26/28	ditto	Page 91 476

J.A. Williams - et al

DEEDS OFFICE
 RABUN COUNTY
 FILED IN
 1038

J.A. Williams - et al.

FILED IN
CLERK'S OFFICE
RAPPAHANNOCK COUNTY

19 *32*
Nov. 10th
Teste *Jan. M. Battle* Clerk

Designation	Area	Date of Deed	Deeded from	Record Book	Recorded in
1st No. 2	80	1/22/32	Gift to	31	446
1st No. 4	82	1/22/32	Gift to (Goldensfield)	31	446
1st No. 8	82	1/22/32	Blair Higbee Land	31	446
Hook tract 54-50/100	"	1/12/32	Mamie Heak Ernest Heak	31	303
1st No. 51	82	2/12/32	T. E. Swifth	32	1
1st No. 5	82	2/8/32	Bennie W. Swifth W. J. Swifth	32	482
1st No. 12	84	2/2/32	May R. Swifth	32	522
1st No. 18	82	2/2/32	May R. Swifth	32	522
1st No. 15	82	2/2/32	Commissioners W. F. Fletcher W. V. Ford	32	522
1st No. 12	81	1/1/32	Spec. Com'rs Robert Leeq W. M. Fletcher	32	322
1st No. 11	4.02	2/2/32	Spec. Com'rs Rob't Leeq W. M. Fletcher	32	322
1st No. 1	1.40	2/2/32	Spec. Com'rs Robert Leeq W. M. Fletcher	32	444
2nd No. 1	"	1/1/32	Annie O. Atkins J. W. Atkins	32	312
1st No. 1	32	1/1/32	Annie O. Atkins J. W. Atkins	32	312

The following designation shows land owned by Paul & M. Williams and A. M. Priest, owners of Paul & M. Williams Record:
The following designation shows land owned by Paul & M. Williams and A. M. Priest, owners of Paul & M. Williams Record: