ROCKINGHAM COUNTY

NAME OF CLAIMANT

. Hold back Ties #31 - Dean, Edgar

Number of Acres: 175

Location: Dean Mountain between Dry and Fisher's Run.

Roads:

Eight miles to Elkton over two miles of rough mountain road and

six miles of country road.

Soil:

North and west slope.

History of Tract and condition of timber: The majority of the chestnut oak and some of the extract wood has been removed from this tract. From the quality of the timber on this tract the soil is unusually fertile. The cleared land is being used for grazing land and for corn.

Improvements:

Dwelling: Frame, 16x25', 6 rooms, porch 7x25', kitchen 12x14x8'
shingle, 2 story, ceiled, fair condition, occupied by owner,
pillar foundation. (See reverse side)

Acreage and value of types:

Types	Acreage		Value per acre	Total Value
Ridge:				
Slope:	148	@	\$3.00	\$444.00
Cove:				
Grazing Land:	26	0	25.00	650.00 \$1094.00
Fields Restocking:				
Cultivated Land:				
Orchard:	175	•	50.00	50.00
Minerals:				873.50
Value of Land: \$10	94.00			50.00
Value of Improveme	ents: \$ 930.0	00		\$2997.50

Value of Orchard: \$50.00

Value of Minerals: \$

Value of Fruit: \$

Value of Timber: \$ 873.50

Value of Wood: \$ 50.00

Value per acre for tract: \$ 17.12

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

Geo Alfren CLERK.

County: Rockingham District: Stonewall

31 Edgar Dean

Acreage Claimed:

Assessed 227

Deed: Acquired 175 acres 1925 ford

Value Claimed

\$1270

Location: Denn Mountain between dry and Fisher's Run

Laps:

Soil: North and west slope

Roads: 8 miles to Elkton over 2 miles of rough mountain road and 6 miles of country road.

History: The majority of the Chestnut, oak and some of the extract wood has been removed from this tract. From the quality of the timber on this tract the soil is unusually fertile. The cleared land is being used for grazing land and for corn.

Improvements: Dwelling-frame, 16 x 25, 6 rooms, porch 7 x 25, kitchen 12 x 14 x 8 shingle, 2 story, ceiled, fair cond. occupied by owner,

foundation, pillars, ###### 12 x 14 600

Barn, frame 33 x 48 x 12, shingle, fair cond.

Hen house (new) 6 x 16 x 6, good cond.

Granary, frame, 14 x 16 x 12, metal roof, fair cond.

Spring (new) frame, 10 x 15 x 8 good cond.

25

Orchard: 22 apple, age 40, cong. poor

32 peach cond. fair

Timber: 237 M @ 3.00 \$711

948.50

250 cd pulp wood @ 1.50 225 250 locust posts @ 5¢ 12.50

Note: This tract is entirely within the Park area.

Value of land by types:		Value	Total
Type of orchard	Acreage	per acre	value
Slope	148	3.00	\$444.00
Fg. orchard	26.	25.00	650.00
Orenard	1		1094
	175		

Total value of orchard	%50.00
Total voice of land	1094.00
Total value of improvements	1150.00
Total value of timber	948.50
Total value of tract	3242.50
Average value per acre	19.10

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

STATE COMMISSION ON CONSERVATION AND DEVELOPMENT OF VIRGINIA

Petitioner

v. At Law No. 1829

CASSANDRA LAWSON ATKINS AND OTHERS

Defendants

On this 21 day of December, 1933, came Edgar Dean, and on his motion leave is given him to file his application for disbursement of the sum of Twenty-nine Hundred Ninety-seven Dollars and Fifty Cents (\$2997.50), the amount of the award set out in the judgment of condemnation Tract No. 31 and heretofore paid into Court.

And likewise came T. C. Simms, Madge E. Shacklette, and R. A. VanPelt, who ask permission to file their answer to said application, which is accordingly done.

And it appearing to the Court that Edgar Dean is invested with a superior or better right or claim of title in and to said tract of land No. 31 than any other person or persons; that the taxes due on said Tract No. 31 have been paid, and that the interest of the said Edgar Dean in said tract of land is subject to the lien of a certain deed of trust in favor of T. C. Simms, Madge E. Shacklette, and R. A. VanPelt, they being the holders of bonds for Twenty-four Hundred Twenty-five Dollars (\$2425.00) thereby secured:

Upon consideration whereof it is considered and ordered by the Court that said Twenty-nine Hundred Ninety-seven Dollars and Fifty Cents (\$2997.50) paid into Court by petitioner as just compensation for Tract No. 31 be disbursed as follows:

To T. C. Simms the sum of Four Hundred Thirty-seven Dollars and Seventy-five Cents (\$437.75), \$425.00 being the principal amount of the bond held by him, and \$12.75 being interest on said bond from June 23, 1933 to December 23, 1933; to Madge E. Shacklette the sum of One Thousand Thirty Dollars (\$1,030.00), \$1,000 being principal amount of bond held by her, and \$30.00 being interest from June 23, 1933 to December 23, 1933; and to R. A. VanPelt the sum of One Thousand Thirty Dollars (\$1,030.00), \$1,000.00 being principal amount of the bond held by him, and \$30.00 being interest on said bond from June 23, 1933 to December 23, 1933; and the balance of said award, Four Hundred Ninety-nine Dollars and Seventy-five Cents (\$499.75) be paid to the said Edgar Dean.

And the Clerk of this Court is directed to transmit a certified copy of this order to the Treasurer of Virginia, who shall disburse said sum of Twenty-Nine Hundred Ninety-seven Dollars and Fifty Cents (\$2997.50) as above set out, taking from said T. C. Simms, Madge E. Shacklette, R. A. VanPelt, and Edgar Dean receipts for the amounts paid them, and certify such payment to the Clerk of this Court for appropriate entry thereof as required by law.

Enter:

Judge

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

v. At Law No. 1829

Cassandra Lawson Atkins, and others and Fifty-two Thousand, Five Hundred and Sixty-one (52,561) acres of land, more or less.

The joint and separate answers of T. C. Simms, Madge

E. Shacklette, and R. A. VanPelt to a petition filed in this cause
in the Circuit Court of Rockingham County, Virginia by Edgar Dean.

These respondents for answer to said petition, or to so much thereof as they are advised it is material for them to answer, answer and say:

That it is true that petitioner and his wife conveyed the real estate more fully set out in said petition situate on the Blue Ridge Mountain in Rockingham County, Virginia, known and designated on the map of the park lands as Tract No. 31, to D. W. Earman, Trustee, by deed dated June 23, 1932, recorded in the Clerk's Office of this Court in Deed Book 152, page 433 to secure the payment of the principal sum of Twenty-four Hundred Twentyfive Dollars (\$2425.00), as evidenced by three bonds bearing even date with said deed, made by said Edgar Dean and wife, one bond in the sum of Four Hundred Twenty-five Dollars (\$425.00) due one year after date, now held and owned by your respondent, T. C. Simms, another bond for One Thousand Dollars (\$1,000.00) payable to bearer, due two years after date, and now held and owned by your respondent, Madge E. Shacklette, and another bond in the sum of One Thousand Dollars (\$1,000.00) due and payable to bearer three years after date, now held and owned by your respondent, R. A. VanPelt. Interest on all of the aforesaid bonds has been paid to June 23, 1933, and the amount now due and pzyable to your respondents is Twenty-four Hundred Twenty-five Dollars (\$2425.00), with interest from June 23, 1933.

Your respondents join in the prayer of said petition for the distribution of said fund as set out therein; and they will ever pray, etc.

Madge E. Sharblotte Ra Van Pett

M. H. HARRISON

TREASURER OF ROCKINGHAM COUNTY

HARRISONBURG, VIRGINIA

To Whom It May Concern:

I hereby certify that the records of my office show that Edgar Dean has paid the taxes for the years 1932 and 1933 on his tract of 175-1-4 acres of land situate in the Blue Ridge Mountains in Stonewall District, Rockingham County.

All taxes prior to that time, if any be unpaid, are a matter of record in the Clerk's Office of said County.

Given under my hand this 19th day of December 1933.

Treasurer of Rockingham County.

STATE OF VIRGINIA.

COUNTY OF ROCKINGHAM, to-wit:

I, J. Robert Switzer, Clerk of the Circuit Court of Rockingham County, do hereby certify that the records in my office do not show any delinquent taxes against the tract of 175 acres 1 rood and 4 poles situate in Stenewall District, Rockingham County, assessed in the name of Edgar Dean.

Given under my hand this 18th day of December 1933.

County, Virginia

NO.

VIRGINIA: IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY.

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

PETITIONER

v. At Law No. 1829

Cassandra Lawson Atkins and others and Fifty-two Thousand, Five Hundred and Sixty-one (52,561) acres of land, more or less.

DEFEDNANTS

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

Your petitioner, Edgar Dean, respectfully represents:

That a judgment in rem has heretofore been entered in this proceeding condemning to the use of the petitioner the fee simple estate in a tract of land formerly the property of your petitioner, situate on the Blue Ridge Mountain, in the eastern portion of Stonewall District, Rockingham County, 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 herewith as Tract No. 31 at the price of Twenty-nine Hundred Ninety-seven Dollars and Fifty Cents (\$2997.50).

Your petitioner further shows to the Court that all taxes against said property have been paid to and including the year 1933, and he herewith files certificates to that effect from M. H. Harrison, Treasurer of Rockingham County, and J. Robert Switzer, Clerk of the Circuit Court of Rockingham County, which certificates are marked "Ex. Certificate No. 1" and Ex. Certificate No. 2", respectively, and the same are prayed to be read as a part hereof.

Your petitioner further shows to the Court that there is only one lien on said property which is a deed of trust lien to secure the payment of the sum of Twenty-four Hundred Twenty-five Dollars (\$2425.00), said debt being evidenced by three Homestead Waiver bonds made by Edgar Dean and Ella R. Dean, his wife, on June 23, 1932, payable to bearer, one in the sum of Four Hundred Twenty-five Dollars (\$425.00) due one year after date and now held and owned by T. C. Simms of Harrisonburg, Virginia, and two bonds in the sum of One Thousand Dollars (\$1,000.00) each due and payable in two and three

years after date, respectively, the two year bond being held and owned by Madge E. Shacklette, also of Harrisonburg, Virginia, and the three year bond being held and owned by R. A. VanPelt of Elkton, Virginia. Interest on said three bonds has been paid in full to June 23, 1933, the amount therefore due by said deed of trust being the sum of Twenty-four Hundred Twenty-five Dollars (\$2425.00) with interest from June 23, 1933, said deed of trust having been executed by his wife said Edgar Dean and Ella R. Dean/of date June 23, 1932, conveying the property heretofore condemned in this matter to D. W. Earman, Trustee, which deed of trust was recorded in the Clerk's Office of Rockingham County, Virginia in Deed Book 152, page 433. The original deed of trust is herewith filed, marked "Exhibit Deed of Trust" and the same is prayed to be read as a part hereof.

That no other person or persons than your petitioner and the parties holding said obligation above referred to, namely, T. C. Simms, Madge E. Shacklett, and R. A. VanPelt, are entitled to share in the distribution of said award.

WHEREFORE, your petitioner prays that he may be made a party herein and be allowed to file his petition in these proceedings; that the said T. C. Simms, Madge E. Shacklette, and R. A. VanPelt, may be made parties defendant to this petition, and be required to answer the same, answer under oath being waived; that an order may be entered in this proceeding for the distribution of said award, and that your petitioner may have such other and further relief as the nature of the case may require.

Subscribed and sworn to before

me this 18th day of December, 1933.

Notary Public

STATE OF VIRGINIA.

CITY OF HARRISONBURG, to-wit:

This day Edgar Dean, the petitioner in the above entitled matter, personally appeared before me, Pauline M. Andrus, a notary public in and for the city and state aforesaid, in my city aforesaid, and being duly affirmed, deposes and says:

I am the petitioner in the above entitled matter. I am acquainted with the contents of 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.

Edgari Dean

Subscribed and sworn to before me this 18th day of December, 1933.

Pauline M. Andres Notary Public

THIS DEED made this 23d day of June, 1932, by and between Edgar Dean and Ella R. Dean, his wife, parties of the first part, and D. W. Earman, Trustee, party of the second part,

WITNESSETH:

That for and in consideration of the sum of FIVE DOLLARS (\$5.00) cash in hand paid by the party of the second part to the parties of the first part, the receipt whereof is hereby acknowledged, and upon the trust hereinafter declared, they, the said parties of the first part, do hereby grant and convey with general warranty of title, unto the said D. W. Earman, Trustee, party of the second part, the following two described tracts or parcels of land:

First Tract: All that certain tract or parcel of real estate together with the improvements thereon and appurtenances thereunto belonging, containing 210 acres, more or less, situate in the eastern part of Stonewall District, Rockingham County, Virginia, on the western side and base of the Blue Ridge Mountains, adjoining John S. Meadows, George N. Conrad, et als, being a part of the same real estate which was conveyed to the late Stephen Hensley by B. G. Patterson, Special Commissioner of the Circuit Court of Rockingham County, Virginia in the chancery cause of Joseph H. Hensley, et als, vs. Daniel Wyant, et als, by deed dated April 4, 1892 recorded in the clerk's office of Rockingham County, Virginia in Deed Book 45, page 18, being all the real estate conveyed by said deed except a parcel of five acres, more or less, conveyed off by the said Stephen Hensley and wife to Leonard Meadows by deed dated November 28, 1903, recorded in said clerk's office in Deed Book 76, page 453, and being the same real estate also mentioned in the bill and proceedings in the chancery cause of Stephen Hensley's Heirs and Devisees vs. Stephen Hensley's Heirs and Devisees, and being also the same real estate conveyed to these grantors by Ethel Irwin, Special Commissioner, by deed of even date he rewith, which said deed is to be recorded

in the aforesaid clerk's office immediately anterior to the recordation of this deed of trust.

Second Tract: All that certain tract or parcel of real estate, together with the improvements thereon and appurtenances thereunto belonging, containing 175 acres, 1 rood and 4 poles, situate in the Blue Ridge Mountains in Stonewall District, Rockingham County, and bounded as follows: "Beginning at an old chestnut oak stump, (an old call of 1850), corner of Joshua Dean and E. D. Dean, thence with Joshua Dean's line S 55 E 83 poles to two white oaks; thence N 751 E 98 poles to a white oak and Spanish oak; thence N 45 E 160 poles to an ash and mahogany in the headwaters of Dry Run, supposed to be at or near the Green County line; thence with and down Dry Run about 300 poles to an ash on the south bank of said Run, direct and opposite a very large rock on the north bank of said Run; thence by survey of County Surveyor P.B.F. Good of May 15, 1924, S 29 45 W 46 poles to a large white oak on a ridge (a very old call); thence S 78 30 E 16.4 poles to a stake and rock pile; thence S 12 36 W 8 poles to a white walnut (an old call); thence S 70 E 23 poles to a very large white oak (an old call); thence S 77 E 30.5 poles to a large poplar (another old call); thence S 12 W 20 poles to a stone between a hickory and white oak (a call of 1850); thence S 50 24 W 37.76 poles to the beginning." This is the same real estate conveyed to this grantor, Edgar Dean, by Charles A. Hammer, Special Commissioner in the Chancery cause of Annie A. Dean's Heirs vs. Annie A. Dean's Heirs, by deed of date November 24, 1923 of record in the aforesaid clerk's office in Deed Book 133, page 433, and is the same land of which N. A. Dean died seized.

IN TRUST NEVERTHELESS to secure the principal sum of TWO THOUSAND FOUR HUNDRED TWENTY FIVE DOLLARS (\$2,425.00), and all interest hereafter accruing on same, which said principal sum is evidenced by three Homestead Waiver bonds of even date herewith of Edgar Dean and Ella R. Dean, payable to berer, one in the sum of Four Hundred

Twenty-five Dollars (\$425.00) due one year after date, and two in the sum of One Thousand Dollars (\$1,000.00) each due two and three years after date, with interest from date at the rate of six per cent per annum, interest payable semi-annually, said bonds to be of equal dignity and priority and to be paid without preference, and are to be identified by the Trustee's signature endorsed thereon.

Insurance required Fifteen Hundred Dollars (\$1500.00).

It is mutually understood and agreed between the parties hereto that if there shall be any default in the payment of said bonds or either of them, or in the payment of interest when due, or failure to keep the property insured as agreed upon, the total debt herein secured shall become due and payable at once, and the Trustee herein, upon the request of the holders of said bonds, or either of them, so to do, shall proceed to execute this trust in accordance with Section 5167 of the Code of Virginia, 1919 Edition, and the Acts amendatory thereof.

It is understood and agreed between the parties hereto that in the event the Trustee herein advertises for sale the property herein conveyed agreeable to the terms hereof and payment or assignment is made of the indebtedness herein secured on or before the day of sale, or the Trustee directed not to make such sale, and the sale is not made, then there shall be paid to the said Trustee for his services as aforesaid a sum equivalent to two per cent of the indebtedness owing, unpaid and secured hereunder at the time he advertises the said property for sale.

Witness the following signatures and seals.

Ella P. Dean (SEAL)

VIRGINIA, CITY OF HARRISONBURG, to-wit:

I, Pauline M. Andrus, a notary public in and for the city and state aforesaid, whose commission expires March 7, 1936, do certify that Edgar Dean and Ella R. Dean, his wife, whose names are signed to the foregoing writing bearing date June 23, 1932, have acknowledged the same before me in my said city.

Given under my hand this 23d day of June, 1932.

Pauline M. Andrus

VIRGINIA: In the Clerk's Office of the Circuit Court of Rockingham County. The foregoing deed of Church was this day presented in the office aforesaid and is together with the certificate of acknowledgment annexed, admitted to record this 2 3 May of Clerk Church Clerk

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EDGAR DEAN & WIFE

TO)

D W EARMAN TRUSTEE

DEED OF TRUST

1 3 00 2.00 1 5.00

Hockingham County, Va.

Recorded in Lleed Book
No. 152 page 433

LAW OFFICES OF

D. WAMPLER EARMAN

HARRISONBURG, VA.



TREASURER'S OFFICE RICHMOND, VA.

December 27, 1933

Treasurer of Virginia.

This is to certify that I, J. M. Purcell, Treasurer
of Virginia have this 27 day of December in accordance
with an order of the circuit court of Rockingham County
dated 12/21/33 in the cause of the State Commission
on Conservation and Development of the State of Virginia
vs. Cassandra Lawson Atkins
paid to Madge E. Shacklette
\$ 1,030.00 being in full settlement of tract #31
in the above mentioned cause.



TREASURER'S OFFICE RICHMOND, VA.

December 27, 1933

Madge E. Shacklette

madge E. Shacklette

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



TREASURER'S OFFICE RICHMOND, VA.

December 27, 1933

Treasurer of Virginia.

This is to certify that I, J. M. Purcell, Treasurer
of Virginia have this 27 day of December in accordance
with an order of the circuit court of Rockingham County
dated 12/21/33 in the cause of the State Commission
on Conservation and Development of the State of Virginia
vs Cassandra Lawson Atkins
paid to T. C. Sims
\$ 437.75 being in full settlement of tract # 31
in the above mentioned cause.



TREASURER'S OFFICE RICHMOND, VA.

December 27, 1933

T. (C. S	imms	
			-

Received of J. M. Purcell, Treasurer of
Virginia, the sum of \$\frac{437.75}{437.75}\$, in accordance
with an order of the Circuit Court of the county
of Rockingham entered on the 21 day
of December 1933, 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 #_31

T.C. Simms.

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



TREASURER'S OFFICE RICHMOND, VA.

December 27, 1933

This is to certify that I, J. M. Purcell, Treasurer
of Virginia have this 27 day of December in accordance
with an order of the circuit court of Rockingham County
dated 12/21/33 in the cause of the State Commission
on Conservation and Development of the State of Virginia
vs Cassandra Lawson Atkins
paid to R. A. VanPelt
\$1,030.00 being in full settlement of tract #31
in the above mentioned cause.

Treasurer of Virginia.



TREASURER'S OFFICE RICHMOND, VA.

December 27, 1933

R. A.	VanPelt	

Received of J. M. Purcell, Treasurer of

Virginia, the sum of \$1,030.00, in accordance

with an order of the Circuit Court of the county

of Rockingham & entered on the 21st day

of December 1933, 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 #31.

Ra Van Kell-

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



TREASURER'S OFFICE RICHMOND, VA.

December 27, 1933

This is to certify that I, J. M. Purcell, Treasurer
of Virginia have this 27 day of December in accordance
with an order of the circuit court of Rockingham County
dated 12/21/33 in the cause of the State Commission
on Conservation and Development of the State of Virginia
vs Cassandra Lawson Atkins
paid to Edgar Dean
\$ 499.75 being in full settlement of tract # 31
in the above mentioned cause. Treasurer of Virginia.



TREASURER'S OFFICE RICHMOND, VA.

December 27, 1933

Edgar	Dean	

Received of J. M. Purcell, Treasurer of

Virginia, the sum of \$499.75, in accordance

with an order of the Circuit Court of the county

of Rockingham entered on the 21st day

of December 1933, 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 # 31 ...

Edgar Deon

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