

ROCKINGHAM COUNTY

NAME OF CLAIMANT

#152 - Long, M. H.

(5'jno9) :JIO2

Number of Acres: 523

Location: Positions #95 - #107 and partly outside the Park area.

Roads: Three miles of good dirt road to Elkton, the nearest shipping point.

Soil: Sandy loam of fair depth and fertility, but poor and rocky on ridge type. There is much broken rock in places and along the Hawksbill Creek. (See reverse side)

History of Tract and condition of timber: The tract has been cut over many times and the saw timber removed about 1924. A portion was severely burned in 1929. There is a considerable amount of very good white oak and a small amount of chestnut oak from 4" to 14" with a few white pine, red oak and hickory. On the western end there is considerable white oak. On the Hawksbill Creek there are a few trees up to 16" DBH of white pine, yellow pine and poplar, but most of stand is under 10" and a few larger oaks.

Improvements:

Improvements: Good shed (abandoned)

Acreage and value of types:

Types	Acreage		Value per acre	Total Value
Ridge:	54	@	\$1.00	\$54.00
Slope:	391	@	2.50	977.50
Cove:	58	@	5.00	290.00
Grazing Land:	20	@	10.00	200.00
	<u>523</u>			<u>\$1521.50</u>

Fields Restocking:

35.00

Cultivated Land:

80.00

Orchard:

Minerals:

1500.00
\$3136.50

Value of Land: \$1521.50

Value of Improvements: \$ 35.00

Value of Orchard: \$

Value of Minerals: \$

Value of Fruit: \$

Value of Timber: \$ 80.00

Value of Wood: \$ 1500.00

Value per acre for tract: \$ 6.00

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

Geo. H. Perry CLERK.

SOIL: (Cont'd)

The slopes are steep and moderate with considerable level land. The grazing land along the stream is sandy with considerable creek rock. It is badly grown up, but some cleaning is now being done.

Roads: Three miles of good dirt road to Eikton, the nearest shipping point.

Soil: Sandy loam of fair depth and fertility, but poor and rocky on ridge type. There is much broken rock in places and along the Hawkshill Creek. (See reverse side)

History of Tract and condition of timber: The tract has been cut over many times and the saw timber removed about 1924. A portion was severely burned in 1939. There is a considerable amount of very good white oak and a small amount of chestnut oak from 4" to 14" with a few white pine, red oak and hickory. On the western end there is considerable white oak. On the Hawkshill Creek there are a few trees up to 18" DBH of white pine, yellow pine and poplar, but most of stand is under 10" and a few larger oaks.

Improvements: Good shed (abandoned)

Acres and value of types:

Types	Acres	Value per acre	Total Value
Ridge:	24	\$1.00	\$24.00
Slope:	291	2.50	977.50
Cove:	28	2.00	290.00
Grazing Land:	20	10.00	200.00
Fields Restocking:	23		\$121.50
Cultivated Land:			85.00
Orchard:			80.00
Minerals:			1800.00
			<u>\$3121.50</u>

Value of Land: \$3121.50

Value of Improvements: \$ 85.00

Value of Orchard: \$

Value of Minerals: \$

Value of Fruit: \$

Value of Timber: \$ 80.00

Value of Wood: \$ 1800.00

Value per acre for tract: \$ 6.00

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

Claim of M. H. Long
In the Circuit Court of Rockingham County, Virginia, No. _____, At Law.
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. M. H. Long and others

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 M. H. Long

My post office address is Elkton

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 500 acres, on which there are the following buildings and improvements 15 x 20 stock shed, growing timber, etc.

This land is located about 2 miles from Elkton 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 owner

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

North Laura Baugher

South George W. Baugher and the Jacob Yost tract

East George W. Baugher

West M. H. Long's land

I acquired my right, title, estate or interest to this property about the year 1913 in the following manner:

Deed from W. C. Long

I claim that the total value of this tract or parcel of land with the improvements thereon is \$11,350.00. I claim that the total value of my right, title, estate or interest, in and to this tract or parcel of land with the improvements thereon is \$11,350.00.

I am the owner of 100 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 \$2,000.00.

(In the space below should be set out any additional statements or information as to this claim which claimant desires to make; and if practicable he should also insert here a description of the tract or parcel of land by metes and bounds).

Remarks: The damage done the adjacent tract on account of loss of pasture, etc.

(Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 8th day of January, 1931, ~~1930~~

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

The undersigned hereby certifies that M. H. Long 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 8th day of January, 1931, ~~1930~~

J. A. [Signature]
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.

Claim of M.H. Long
In the Circuit Court of Rockingham County, Virginia, No. _____, At Law.
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. M.H. Long and others

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 M.H. Long
My post office address is Elkton

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 500 acres, on which there are the following buildings and improvements: 15 x 20 stock shed, growing timber, etc.

This land is located about 2 miles from Elkton 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 owner

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

- North Laura Baugher
- South George W. Baugher and the Jacob Yost tract
- East George W. Baugher
- West M.H. Long's land

I acquired my right, title, estate or interest to this property about the year 1913 in the following manner:
Deed from W.C. Long

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 11,350.00. I claim that the total value of my right, title, estate or interest, in and to this tract or parcel of land with the improvements thereon is \$ 11,350.00.

I am the owner of 100 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 \$ 2,000.00.

(In the space below should be set out any additional statements or information as to this claim which claimant desires to make; and if practicable he should also insert here a description of the tract or parcel of land by metes and bounds).

Remarks: The damage done the adjacent tract on account of loss of pasture, etc.

(Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 8th day of January, 1931, ~~1930~~ (Signed) M H Long

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

The undersigned hereby certifies that M. H. Long 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 8th day of January 1931, ~~1930~~

(Signed) J. Robert Switzer
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.

Claim of M. H. Long
in the Circuit Court of Rockingham County, Virginia No. 15-2
The State Commission on Conservation and Development of the State of Virginia
Honorable M. H. Long and others

more or less of land in Rockingham County, Virginia, Virginia, Rockingham
The undersigned in answer to the petition of the State Commission on Conservation and De-
velopment 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.

M. H. Long
Tract No. 15-2 in
Rockingham County

My name is M. H. Long
My post office address is
I claim a right title estate or interest in a tract or parcel of land within the area
to be condemned, containing about 100 acres, containing about 100 acres, containing about 100 acres,
buildings and improvements, 10 x 20 stock shed, etc.

This land is located about 2 miles from the
Magisterial District of said County.
I claim the following right title estate or interest in the above described tract or
parcels of land: (In this space claimant should say whether he is the sole owner, joint owner
and if joint owner give names of the joint owners. If he is a tenant or lessee he should set out
he should set out exactly what right title estate or interest he claims in the tract or
parcel of land described above.)
Sole owner

The land owners adjacent to the above described tract are as follows:
North Lewis Barber
South George W. Barber
East George W. Barber
West M. H. Long's land
I acquired my right title estate or interest in this property about the year 1913 in the
following manner:
Land Tract M. H. Long
I claim that the total value of this tract or parcel of land with the improvements there-
on is \$11,000.00. I claim that the total value of my right title estate or interest
in and to this tract or parcel of land with the improvements thereon is \$11,000.00.
I am the owner of 100 acres of land adjoining the above described tract or
parcel of land but lying outside the Park area, which claim will be damaged by the pro-
posed condemnation of lands within the Park area to the extent of \$2,000.00.
(In the space below should be set out any additional statements or information as to
this claim which claimant desires to make; and if practicable he should also insert here a
description of the tract or parcel of land by metes and bounds.)
Remarks: The taxes due on the adjacent tract of about 100
acres, etc.

Witness my signature for my name and mark attached hereto this 15th day
of January, 1951. M. H. Long
STATE OF VIRGINIA COUNTY OF ROCKINGHAM
The undersigned hereby certifies that M. H. Long
the above named claimant personally appeared before him and made oath that the contents
and things appearing in his above answer are true to the best of his knowledge and belief
this 15th day of January 1951.

County: Rockingham
 District: Stonewall

#152 - Long, M. H.

Acreage Claimed: 500 A. Assessed 577 Deed Very indefinite

Value Claimed: \$11,350. " \$2840.00 "

Location: Positions #95 - #107 and partly outside the Park area.

Incumbrances, counter claims or laps: None known.

Soil: Sandy loam of fair depth and fertility, but poor and rocky on ridge type. There is much broken rock in places and along the Hawksbill creek. The slopes are steep and moderate with considerable level land. The grazing land along the stream is sandy with considerable creek rock. It is badly grown up, but some cleaning is now being done.

Roads: Three miles of good dirt road to Elkton, the nearest shipping point.

History of tract and condition of timber: The tract has been cut over many times and the saw timber removed about 1924. A portion was severely burned in 1929. There is a considerable amount of very good white oak and some white oak and a small amount of chestnut oak from 4" to 14" DBH with a few white pine, red oak and hickory. On the western end there is considerable white oak. On the Hawksbill creek there are a few trees up to 16" DBH of white pine, yellow pine and poplar, but most of stand is under 10" and a few larger oaks. The estimate is 20,000 M. saw timber @ \$4.00 ----- \$80.00 -- 80.00
 1500 cords of fuelwood @ \$1.00 --- \$1500.00
 1580.00

Improvements: Goat shelter: Log 16x20x10', metal roof, fair condition ----- \$25.00

Value of land by types:

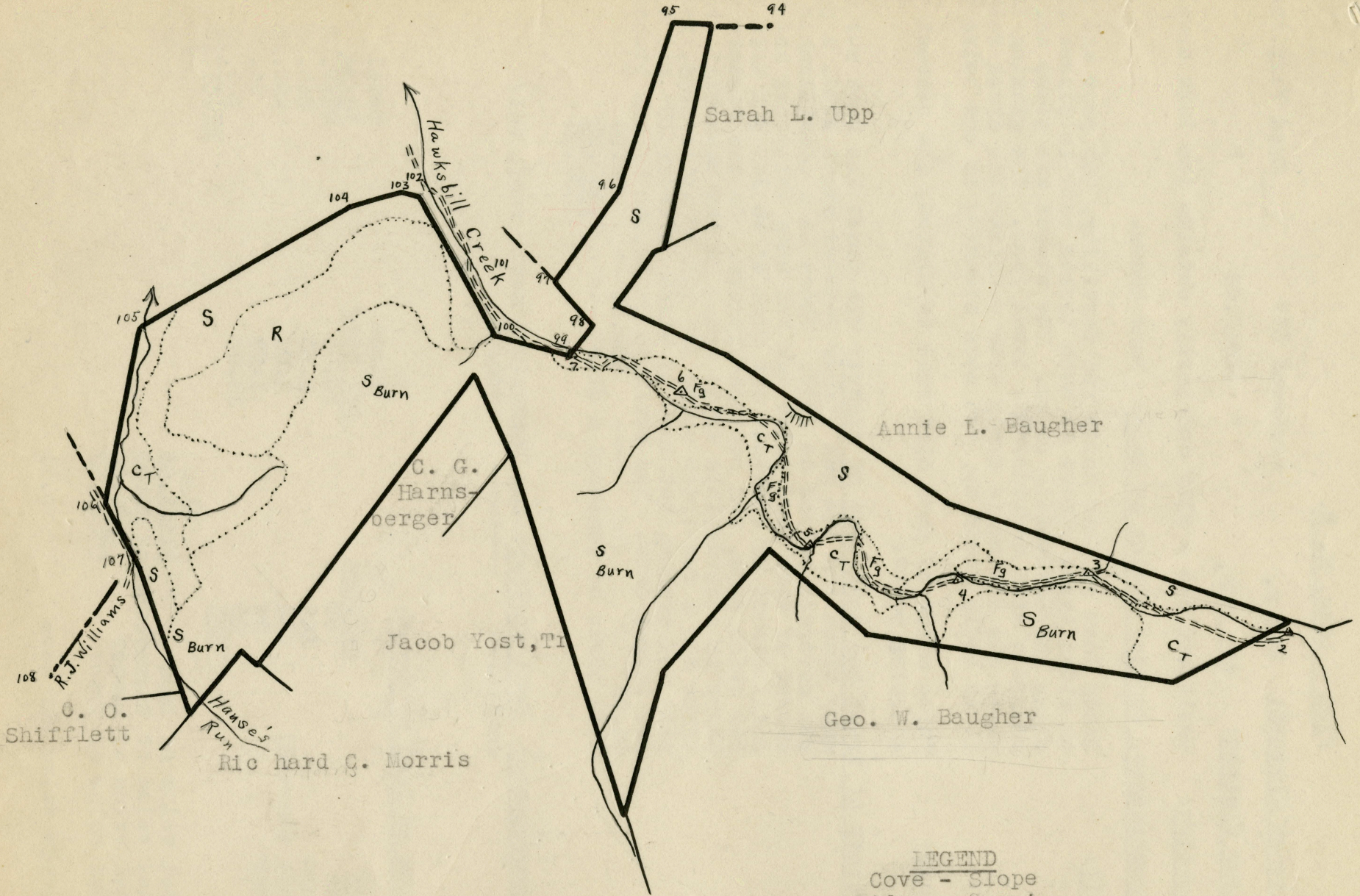
Type	Acreage	Value per acre	Total Value
Cove	58	\$4.00	\$232.00
Slope	146	2.50	365.00
Slope (burned)	245	2.00	490.00
Ridge	54	1.00	54.00
Fg	20	10.00	200.00
	<u>523</u>		<u>\$1341.00</u>

Total value of land \$1341.00
 Total value of improvements- 25.00
 Total value of timber 1580.00
 Total value of tract \$2946.00

Average value per acre 5.63

#152 - Long, M. H.

County: Rockingham
District: Stonewall



LEGEND
 Cove - Slope
 Ridge - Grazing
 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 28 1932

vs.

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

J. Robert Switzer Clerk

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

Comes now the claimant, M. H. Long, 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. 152, which said tract contains 523 acres, and is situate near Elkton, in Stonewall District Rockingham County, Virginia; for the following reasons:

- (1) Because the value placed upon said land and timber by the Board of Appraisal Commissioners is grossly inadequate.
- (2) Because the said Board of Appraisal Commissioners made no allowance for damage to the remaining land of movant.
- (3) Because the finding or findings in question are so manifestly 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 M. H. Long prays the Court that an order may be entered setting aside, declining to accept, and disapproving 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 M. H. Long.

Said M. H. Long further moves the Court to exclude his said lands from the Park area and to release his said lands from the

2.

said condemnation proceedings.

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

M. H. LONG

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 M.
H. Long to have the finding of the Board of Appraisal Commissioners
disapproved in connection with finding No. 152.

State of Virginia,
City Harrisonburg
~~County of Rockingham~~, to-wit:

This day personally appeared before me, *S. D. Myers*
~~A. U. Lewis~~, a Notary
City Harrisonburg
Public in and for the ~~County~~ of ~~Rockingham~~, in the State of Virginia,
C. G. Harnsberger, who being duly sworn deposes and says as follows:

That he is well acquainted with the tract of land belonging to
M. H. Long, containing about 523 acres, situate near Elkton, in
Stonewall District, Rockingham County, Virginia, known as Tract No.
152, in the report of the Board of Appraisal Commissioners; that the
condemnation of the tract of land will largely deprive the remainder
of the tract of wood and pasture which will seriously depreciate the
value of the same, and that the amount allowed by said Commissioners
for said land is grossly inadequate; that he has determined the
value of said tract of land as follows:

400 acres at \$6.87 per acre	\$2,750.00
23 acres at \$7.00 per acre	161.00
100 acres at \$12.50 per acre	1,250.00
Residual damage	1,000.00

That he further says that he has placed no value on the fire
wood, stave wood, or growing timber on said tract of land for the
reason that he does not know the value of these items, not being an
expert along this line.

C. G. Harnsberger
Subscribed and sworn to before me this 27th day of September, 1932.

My Commission Expires Feb. 18, 1933

S. D. Myers
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 M.
H. Long to have the finding of the Board of Appraisal Commissioners
disapproved in connection with its finding No. 152.

State of Virginia,
County of Rockingham, to-wit:

This day personally appeared before me W. H. Wright
a Notary Public in and for the County of Rockingham, in the State
of Virginia, G. W. Bangor, who being duly sworn
deposes and says as follows:

That he is well acquainted with the tract of land belonging to
M. H. Long, containing about 523 acres, situate near Elkton, in
Stonewall District, Rockingham County, Virginia, known as Tract No.
152, in the report of the Board of Appraisal Commissioners; that the
condemnation of the tract of land will largely deprive the remainder
of the tract of wood and pasture which will seriously depreciate the
value of the same, and that the amount allowed by said Commissioners
for said land is grossly inadequate; the same being well worth the
sum of ~~\$9,311.00~~^{8,161.00}; that he has determined the value of said tract of
land as follows:

400 acres at \$6.87 per acre	\$2,750.00
23 acres at \$7.00 per acre	161.00
100 acres at \$12.50 per acre	1,250.00
300 walnut trees at \$5.00 ^{2.50 each} each	1,500.00 ^{750.00}
Fire or cord wood	750.00
Stave wood	1,500.00
Young growing timber other than fire wood	400.00
Residual damage	1,000.00

Total ~~\$9,311.00~~
8,161.00

G. W. Bangor

Subscribed and sworn to before me this 14 day of September, 1932.

W. H. Wright N.P.
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

Robert A. Smith 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 him, and with reference to which he has filed his objections, is the same tract or parcel which was found by the Appraisal Commissioners to be land owned by him, being Tract No. 152, as shown and delineated on the map filed with the report, and exhibit sheets thereto attached, made by said Commissioners.

M. H. LONG

By Counsel

Ralph H. Bader
Counsel

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

STATEMENT OF

M. H. LONG

--

Ralph H. Bader, p.q.

Filed 8/22/33

STATEMENT OF COSTS, POSTAGE, ETC.

SUPLEE ENVELOPE CO., UPPER DARBY, PA.

The Hon. Philip Williams, Chairman of the
Board of Arbitration of the Land for
the Shenandoah National Park:

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

AUG 22 1933

Robert H. H. H. H. Clerk

I, M. H. Long, herein submit to your honorable Board a statement of Tract No. 152 of the Park Survey, containing about 523 acres, which I will endeavor to describe to the best of my ability, as to its quality and value:

This tract No. 152 of the Park Survey, lies on the east side of the Shenandoah River and about two miles south of Elkton, Virginia, lying on both sides of the Hawksbill Valley and extending about two miles back, all being in Rockingham County.

I will sub-divide it as follows: The Bryant Tract; Nall Tract; Yancey and Lawson Tract, and the remainder a part of the Magret Tract of which my residence is a part.

Tract No. One: Taking up the Bryant tract, containing about 23 acres, is mostly flat, running back to slope. There is no part of this tract that is not accessible to wagon and team. A good portion of this tract would be good agricultural land, if any more land was needed, but as there seems to be too much land in agriculture now, we will put it in to reforestation. A part of it is adapted to the oaks and a part to pine. From experience in cutting wood to deliver to Elkton for fire wood, I would say it will grow about three-fourths of a load per year, exclusive of the pine, earning 37 1/2¢ per acre per year or the interest on \$6.25. The pine cut about 200,000 staves on about 7 acres of thirty year growth, making 476 to the acre per year, earning 476¢ or the interest on \$8.00. From these figures, I would say \$7.00 per acre.

Tract No. Two: The Nall tract, contains 150 acres, running back into the Park Area about two miles, it being a narrow strip through the Hawksbill Valley. About half of it is low ground and was under cultivation, until it was converted to pasture purposes, and is well adapted to blue grass. Along the banks of the stream, all

the timbers of this latitude are in growth, especially black walnut, of which there is somewhere between three hundred and four hundred. The remainder of this tract, of about seventy-five acres, consists of cove, slope, ridge and cliff and is adapted to forest and cattle range; range value will be included in pasture value, and the forestry values (as estimated in the Bryant tract, it not being in the range and is estimated separately) included in growing timber.

Tract No. Three: The Yancey and Lawson Tract, containing about 68 acres, more or less, and is mostly slope land, accessible to wagon and team, and has a good amount of stave timber on it; that will be listed separately, it having a present market value; and also it is adapted to forestry, especially chestnut-oak and chestnut and cattle range, and will be included in pasture value and growing timber.

Tract No. Four: The Magret Tract, it being divided by the Park Survey, I have no way of knowing just how much is in the Park Survey except (well, by guessing at it). It is all flat land, except the "Giant's Grave". About half of this flat land is adapted to reforesting as it was burnt over a few years ago, but has a good amount of stave timber that was not injured by the fire. Reforesting and cattle range will be included in Pasture and growing timber. The remainder of this flat land is of much more value and I wish to call your attention to an area of about 50 acres, lying along what is known as Hanse's Run, and heavily timbered with white and chestnut oak, of a wonderful growth, but just a little to small to be of a market size. I will place it in with growing timber and pasture, which adds considerable to growing timber, but very little to pasture.

The "Giant's Grave" is a foot-hill ridge, sitting out from the main mountain and having the shape and appearance of a large grave, from which it has derived its name at a time further back than I know and is marked on all the Park maps by that name. It is fenced in from the rest of the range and timber land, having a good woven wire fence around it and containing about 100 acres. It has been cut over and stocked with goats for the purpose of an orchard, being highly recommended by Mr. W. S. Campfield, then County Agent, it being of a good soil and in an atmospheric position for orchard purposes.

When Mr. Stuart was laying out the Park Boundary, I asked him to come to my place ahead of the Survey and I insisted that he leave it out, which he seemed inclined to do, until he recalled that it was the "Giant's Grave" and he said, "I can't let you have it". I offered him to take \$2,000.00 less for the whole, but to no avail, he took it in, and with that assurance, I sold the goats, taking a loss of \$128.00.

If it was worth \$2,000.00 to him, it should be worth that much to me, but owing to the uncertain condition of the orchard business, we will consider it for other purposes. It grew 25 loads of wood in 26 years just before it was cut over and it being well fenced and in close proximity to the remainder of my place, being nor more than fifty yards from my barn, I feel that it is well worth \$1,000.00 to the place.

Now in reference to Residual damage, I hope your honor will consider the condition it will leave the remainder of my place -- having no pasture range for stock-cattle and not being able to keep stock cattle and nothing to consume the roughfeed from the place, which will reduce the fertility of the home place, and will disrupt my entire system of farming. Just how much damage this will be, is hard to estimate. Furthermore, when this land

4.

is taken, it will not leave firewood for more than a year or two and then it will be to buy coal for all generations to come.

You might also consider the expense and trouble I have been put to in protecting my interest.

I am the fee simple owner of said Tract No. 152.

I have been unable to classify my said land as to acreage, but have arrived at its value in the following manner:

Bryant Tract, 23 acres, \$7.00	\$ 161.00
Pasture value for 30 head	2250.00
300 to 400 black walnut, \$2.50	850.00
Stave timber	1500.00
Growing timber	750.00
Cord wood	750.00
Giant's Grave	1000.00
Residual damage	2000.00
Expenses of proceedings	<u>100.00</u>
	\$9361.00

As to how this is to be arbitrated, I will suggest that if you can not arrive at a conclusion from this and the affidavits of Messrs. C. G. Harnsberger and G. W. Baugher, that are in your hands, they being adjoining farmers, then I would suggest an oral hearing.

Respectfully,

August 21, 1933.

M. H. Long

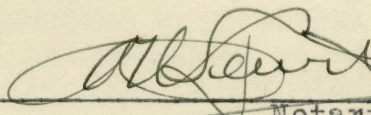
5.

State of Virginia,

County of Rockingham, to-wit:

M. H. Long, having been first duly sworn, deposes and says that the foregoing statement is true and correct, to the best of his knowledge and belief.

Given under my hand this 21st day of August, 1933.



Notary Public

My commission expires July 5/37

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

SEP 9 1933

Robert S. Smith Clerk

LONG, M. H.
152
ROCKINGHAM COUNTY

IN RE. ARBITRATION AGREEMENTS submitted to the Governor arising
in or out of Condemnation Proceedings pending in the Circuit Court
of Virginia under authority of the Shenandoah National Park Act.

SUMMARY STATEMENT OF PETITIONER:

EXCEPTANT: Long, M. H.

ORIGINAL CLAIM: Acreage 500: Value \$11,350.: Inc. Damages, \$2000.

VALUE PLACED ON TRACT BY PETITIONER'S APPRAISERS:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
152	\$2946.00	

BOARD OF APPRAISAL COMMISSIONERS FINDINGS:

MAP NUMBER OF TRACT: 152

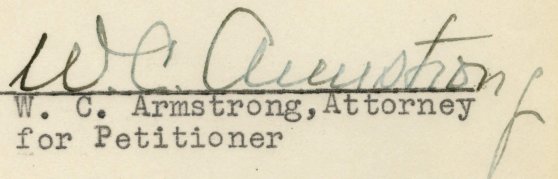
VALUE OF TRACT:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
152	\$3136.50	

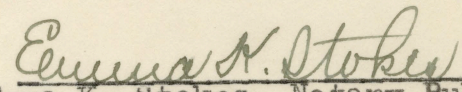
The basic differences between Petitioner and this exceptant are as to classification and value of the land, timber values, and amount of incidental damages.

Although we believe the values reported by the Petitioner's appraisers were very liberal and that the findings of the Board of Appraisal Commissioners as to values are substantially too high, we have accepted and will not seek a lower valuation than their findings as shown on the above tables in this case.

As to the classification of the land and the other elements of value we submit that these matters are correctly set forth in the Work Sheet of the Board with reference to this case, and not as set forth in exceptant's statements. This Work Sheet is filed with the record and a copy of this Work Sheet is submitted with copy of the record tendered herewith, and additional copies of the Work Sheet in this case will be furnished if desired.


W. C. Armstrong, Attorney
for Petitioner

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


Emma K. Stokes, Notary Public

The State Commissioner on Conservation
Department of the State of Virginia.

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

AUG 19 1933

J. Robert Smitzer Clerk

In compliance with the order entered in the above entitled

case on the 25th day of August, 1933, a response thereto,

your deponent respectfully states that the tract or parcel of

land within the area sought to be condemned, ownership of which

is claimed by the respondents to which the map filed herewith

object of the Public Park condemnation proceedings pending in the Circuit Court

of Rockingham County, Virginia.

and exhibit sheets thereto attached, made by said Commissioners.

M.H. LONG

J. Robert Smitzer
Clerk

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.

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} ~~she~~ has filed ^{her} ~~her~~ objections, is the same tract or parcel which was found by the Appraisal Commissioners to be land owned by ~~her~~; being Tract No. ¹⁵²~~70~~, as shown and delineated on the map filed with the report, and exhibit sheets thereto attached, made by said Commissioners.

M.H. LONG

By Counsel

(Signed) Rolph 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 M.
H. Long to have the finding of the Board of Appraisal Commissioners
disapproved in connection with its finding No. 152.

State of Virginia,
City of Harrisonburg
~~County of Rockingham~~, to-wit:

This day personally appeared before me S. D. Myers
a Notary Public in and for the *City of Harrisonburg*
~~County of Rockingham~~, in the State
of Virginia, C. G. Harmsberger, who being duly sworn deposes and says
as follows:

That he is well acquainted with the tract of land belonging to
M. H. Long, containing about 523 acres, situate near Elkton, in
Stonewall District, Rockingham County, Virginia, known as Tract No.
152, in the report of the Board of Appraisal Commissioners; that the
condemnation of the tract of land will largely deprive the remainder
of the tract of wood and pasture which will seriously depreciate the
value of the same, and that the amount allowed by said Commissioners
for said land is grossly inadequate; ~~the same being well worth the~~
~~sum of \$9,311.00~~; that he has determined the value of said tract of
land as follows:

400 acres at \$6.87 per acre	\$2,750.00
23 acres at \$7.00 per acre	161.00
100 acres at \$12.50 per acre	1,250.00
300 walnut trees at \$5.00 each	1,500.00
Fire or cord wood	750.00
Stave wood	1,500.00
Young growing timber other than fire wood	400.00
Residual damage	1,000.00
* Total	<u>\$9,311.00</u>

(Signed) C. G. Harmsberger

Subscribed and sworn to before me this 27th day of September, 1932.

(Signed) S. D. Myers
Notary Public

* I list he further says that he has placed no value
on the fire wood, stave wood, or growing timber on said tract of land
(over)

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 M. H. Long to have the finding of the Board of Appraisal Commissioners disapproved in connection with its finding No. 152.

State of Virginia,

County of Rockingham, to-wit:

This day personally appeared before me

W. H. McVeigh

a Notary Public in and for the County of Rockingham, in the State of Virginia,

G. W. Baugher,

who being duly sworn deposes and says

as follows:

That he is well acquainted with the tract of land belonging to M. H. Long, containing about 523 acres, situate near Elkton, in Stonewall District, Rockingham County, Virginia, known as Tract No. 152, in the report of the Board of Appraisal Commissioners; that the condemnation of the tract of land will largely deprive the remainder of the tract of wood and pasture which will seriously depreciate the value of the same, and that the amount allowed by said Commissioners for said land is grossly inadequate; the same being well worth the sum of ^{\$8,161.00} ~~\$9,311.00~~; that he has determined the value of said tract of land as follows:

400 acres at \$6.87 per acre	\$2,750.00
23 acres at \$7.00 per acre	161.00
100 acres at \$12.50 per acre	1,250.00
300 walnut trees at \$5.00 ^{\$2.50} each	1,500.00 750.00
Fire or cord wood	750.00
Stave wood	1,500.00
Young growing timber other than fire wood	400.00
Residual damage	1,000.00

Total

\$9,311.00

\$8,161.00

(Signed) G. W. Baugher

Subscribed and sworn to before me this 24 day of September, 1932.

(Signed)

W. H. McVeigh

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

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

Comes now the claimant, M.H.Long, 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. 152, which said tract contains 523 acres, and is situate near Elkton, in Stonewall District Rockingham County, Virginia; for the following reasons:

(1) Because the value placed upon said land and timber by the Board of Appraisal Commissioners is grossly inadequate.

(2) Because the said Board of Appraisal Commissioners made no allowance for damage to the remaining land of movant.

(3) Because the finding or findings in question are so manifestly 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 M.H.Long prays the Court that an order may be entered setting aside, declining to accept, and disapproving 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 M.H.Long.

Said M.H.Long further moves the Court to exclude his said lands from the Park area and to release his said lands from the

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA
said condemnation proceedings.

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

M. H. LONG

vs.

By counsel

(Signed) Ralph H. Bader
Counsel

Cassandra Lawson Atkins and others, and
58.501 acres of land in Rockingham
County, Virginia

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

Comes now the claimant, M.H. Long, 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. 158, which said tract
contains 523 acres, and is situate near Eliton, in Stonewall District
Rockingham County, Virginia; for the following reasons:
(1) Because the value placed upon said land and timber by the
Board of Appraisal Commissioners is grossly inadequate.
(2) Because the said Board of Appraisal Commissioners made no
allowance for damage to the remaining land of movant.
(3) Because the finding or findings in question are so mani-
festly 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 find-
ings were made.

Wherefore, the said M.H. Long prays the Court that an order
may be entered setting aside, declining to accept, and disapproving
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
M.H. Long.

Said M.H. Long further moves the Court to exclude his said
lands from the Park area and to release his said lands from the

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

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

DEC 4 1933

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

vs.

No. 1829, at Law *J. Robert Luntz* Clerk

Cassandra Lawson Atkins and others and
Fifty-Two Thousand Five Hundred Sixty-One
(52,561) acres, more or less, of land in
Rockingham County, Virginia

To The Honorable H. W. Bertram, Judge of the Circuit Court of Rockingham
County, Virginia:

Your petitioner, M. H. Long, begs leave to file this, his petition
in this cause, for the purpose of setting up a lien in his favor upon certain lands
sought to be condemned herein, and respectfully represents:

That Gordon S. Lough is the owner of a life estate in a certain tract of land
known and designated as Tract No. 49 on the map of Park lands, which said tract of
land contains 24 acres, more or less, and has been appraised at \$623.60, and which
tract of land is situated in Stonewall District, Rockingham County, Virginia;

That on the 12th day of January, 1928, the said Gordon Lough conveyed his inter-
est in said land to H. W. Wyant, Trustee, to secure your petitioner as surety on
the bond of the said Gordon S. Lough, dated January 22, 1921, executed by said
Gordon S. Lough as principal and your petitioner as surety in the sum of \$4,000.00
payable to the Commonwealth of Virginia as Guardian for Robert C. Lough, infant,
said deed of trust being of record in the Clerk's Office of this Court in Deed Book
No. 141, at page 522. A copy of the said deed of trust is hereto attached and prayed
to be read as a part hereof.

Your petitioner prays that such order or decree may be entered in this cause
for the disposal or investment of said fund as may be necessary to protect his
interest, as well as the interest of all other persons, in said fund.

M. H. Long
By Counsel.

Ralph H. Bader
Counsel.

This Deed, made this 12th day of January, 1928, between Garland S. Lough of the one part, and H. W. Wyant, Trustee as hereinafter mentioned, of the other part,

Witnesseth:

That the said Garland S. Lough for and in consideration of the provisions of this deed and One Dollar to him in hand paid, by the said H. W. Wyant, Trustee, at and before the sealing and delivery of this deed, the receipt whereof is hereby acknowledged, doth grant and convey unto the said H. W. Wyant, Trustee, with general warranty, all his right, title and interest in and to the real estate devised to him by C. H. Shuler by will dated August 30, 1914, and duly probated in the Clerk's Office of Rockingham County, and by will of Flora O. Shuler, which will is dated January 20, 1920, and duly probated in the Clerk's Office of Rockingham County, said interest being a life estate in the real estate upon which the said Garland S. Lough now resides and also a life estate in and to the grazing farm owned by the late C. H. Shuler and Flora O. Shuler, situate in the Blue Ridge Mountains in Rockingham County, Virginia.

In Trust, to secure M. H. Long as surety on the bond of Garland S. Lough, which bond is dated January 22, 1921, executed by said Garland S. Lough as principal and M. H. Long as surety in the sum of Four Thousand Dollars (\$4,000.00) payable to the Commonwealth of Virginia, as Guardian for Robert C. Lough, infant. In the event that the said Garland S. Lough shall not make settlement as Guardian for said Robert C. Lough and the said M. H. Long shall have to pay any sum or sums of money by virtue of his becoming surety for the said Garland S. Lough under the bond hereinbefore mentioned, the said Trustee, on being required so to do by the said M. H. Long, his heirs or assigns shall sell the property hereby conveyed and this deed of trust is to secure and immediately indemnify M. H. Long in accordance with Section 5167 of the Code of Virginia, 1919, as amended by the Act of the General Assembly approved March 24, 1926.

Witness the following signature and seal:

Garland S. Lough (Seal)

State of Virginia, County of Rockingham, to-wit:

I, A. U. Lewis, a Notary Public in and for the State and County aforesaid do certify that Garland S. Lough, whose name is signed to the foregoing writing, bearing date on the 12th day of January, 1928, has this day personally appeared before me in my said County and acknowledged the same. My

Commission expires on the 2nd day of July, 1929. Given under my hand this 18th day of July, 1928.

A. U. Lewis, Notary Public.

Virginia: In the Clerk's Office of the Circuit Court of Rockingham County. The foregoing deed of trust was this day presented in the office aforesaid, and is, together with the certificate of acknowledgment annexed, admitted to record this 25th day of July 1928, 12 A. M.

Teste: (Signed) J. Robert Switzer, Clerk.