

NAME OF CLAIMANT

#68 -- Burke, B. S. & B. B.

Number of Acres: 241

Location: On top of Main Ridge and extending down in the western direction, north of the Spotswood Trail.

Roads: One mile of fair dirt road to Spotswood Trail near Swift Run; thence six miles to Elkton.

Soil: Sandy clay of good depth and fertility in the cleared portion. Fair depth and fertility in the wooded portion, very rocky, steep to moderate slopes. Northwest and southwest exposure.

History of Tract and condition of timber: Large portion of tract cleared many years ago, grazed since. Wooded area cut over repeatedly in the past. Present stand consists of mixed oaks, poplar and hickory. Estimated to cut an average of one cord of stave wood per acre or a total of 175 cords.

Improvements: Dwelling and shed: 16x17', shingle roof, 2 rooms, log finish, with shed 8x17x8', in poor condition, abandoned.  
 Meat house: Frame, 12x16x12', shingle roof, poor condition.  
 Old house: Log, 14x14x12', shingle roof, poor condition.  
 Orchard: 50 apple trees.

Acreage and value of types:

Types	Acreage		Value per acre	Total Value
Ridge:				
Slope:	162	@	\$5.00	\$810.00
Cove:				
Grazing Land:	79	@	35.00	2765.00
Fields Restocking:				\$3575.00
Cultivated Land:				100.00
				50.00
Orchard:				437.50
Minerals:		<del>less</del>		\$4162.50
Value of Land: \$ 3575.00		<del>less simple value for road 8.82 x 241</del>		<del>125.00</del>
Value of Improvements: \$ 100.00				<del>\$5262.50</del>
Value of Orchard: \$				
Value of Minerals: \$				
Value of Fruit: \$ 50.00				
Value of Timber: \$437.50				
Value of Wood: \$				
Value per acre for tract: \$17.27				

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

*Geo. H. Pen* CLERK.

Claim of Barbara B Burke  
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. Cassandra Lawson Atkins and others and 52,561 acres

more or less, of land in Rockingham County, Virginia, Defendants.  
The undersigned, in answer to the petition of the State Commission on Conservation and Development of the State of Virginia, and in response to the notice of condemnation awarded upon the filing of said petition and published in accordance with the order of the Circuit Court of Rockingham County, Virginia, asks leave of the Court to file this as his answer to said petition and to said notice.

My name is Barbara B Burke

My post office address is McGahesville Va

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 24.1 acres, on which there are the following buildings and improvements: under fence no buildings

This land is located about 6 miles from Elliot 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 with fee simple Title

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

North Alas Dean

South Dean

East Trighler

West Alas Dean

I acquired my right, title, estate or interest to this property about the year 1926 in the following manner:

by purchase D B, 136 P. 573

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 3615.<sup>00</sup>. 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 \$ 3615.<sup>00</sup>

I am the owner of 136 acres of land in 10 miles home farm 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 \$ 3000.

(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 loss of this grazing will very greatly curtail farming operations of my home farm which will cause a loss of \$3000.

(Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 16th day of Febry 1931, 1930. Barbara B Burke Br R M Burke

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

The undersigned hereby certifies that Barbara B Burke 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 16th day of Febry 1931, 1930.

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

Filed 2/16/31

NOTE—This need not be filed until the record discloses that the awards have been paid into the custody of the Courts.

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 . . . . . DEFENDANTS.

Comes now the undersigned and shows to the Court:

That a judgment in rem has heretofore been entered in this proceeding condemning to the use of the Petitioner the fee simple estate in the tract(s) of land numbered as follows: Tract No. 68-----:

Tract No. ////////////////; Tract No. ////////////////;

and described in the report of the Board of Appraisal Commissioners appointed herein and shown, numbered, and delineated on the County Ownership Map filed therewith, upon payment into the custody of the Court of the sum(s) set out in the said judgment as constituting the award(s) therefor, as follows:

Award on Tract No. 68----- \$ 3,969.50 on Tract No. //////////////// \$ ////////////////; on Tract No. //////////////// \$ ////////////////;

That the report of the said Board sets forth that the following named persons claim, or appear to have a claim to an interest in the said tract(s) of land or in the proceeds arising from the condemnation thereof;

S. V. Burke and B. B. Burke

That the Petitioner has paid into the custody of the Court the said sum(s) set out in said judgment as constituting the award(s) for the fee simple estate in the said tract(s) of land;

That your undersigned, on the date of the said judgment in rem condemning the said tract(s) of land, owned or was (were) entitled to the following interest in the said tract(s) or in the proceeds arising from the condemnation thereof:—

Fee simple

That no other person or persons than the undersigned are entitled to share in the distribution of the said award(s) except the following named persons whose interest in said tract(s) or in the proceeds arising from the condemnation thereof on the date of entry of said judgment was as follows:

State Commission on Conservation and Development on account of right-of way ----- \$257.00

Wherefore, your undersigned pray(s) that [he (they) be made a party (parties) herein under the provisions of Section 21 of the Public Park Condemnation Act, and that] an order be entered for the distribution of said sum(s) set forth in said judgment in rem as constituting the award(s) for the fee simple estate in the said tract(s) condemned as aforesaid, and for the payment to the undersigned of the said award(s) or of as much thereof as the Court may find that the undersigned is (are) entitled to receive, and which the undersigned aver(s) is as follows: Tract No. 68----- \$3,969.50: Tract No. //////////////// \$ ////////////////; Tract No. //////////////// \$ ////////////////;

The undersigned further aver(s) that: (Leave this space blank unless there is some other pertinent matter to be brought specially to the attention of the court)

The said tract of land was conveyed to her and her sister, S. V. Burke by F. F. Burke and Wife by deed dated Dec. 2, 1926, recorded in the Clerk's Office of Rockingham County in D. B. 136, page 573; that S. V. Burke conveyed her undivided one-half interest in said land to the undersigned by deed dated Feb. 28, 1929, recorded in said Clerk's Office in Deed Book 143, page 279.

NAME/ P/O/ ADDRESS

Barbara B. Burke

State of New Jersey, County of Somerset, to-wit:

I, Archie M. Adams, a Notary Public in and for the County

aforesaid, in the State of New Jersey, do certify that Barbara B. Burke personally appeared before me, and being first duly sworn, deposes and says that she is the petitioner in the said matter; that she is acquainted with the facts herein set forth and that said facts are true and correct, to the best of her knowledge and belief.

Given under my hand and notarial seal this 17th day of February, 1934.

Archie M. Adams Notary Public.



Revised report

County: Rockingham  
District: Stonewall

County: Greene  
District: Stanardsville

#68 - Burke, S. V. & B. B. (Rockingham County)  
#81 - Burke, S. V. & B. B. (Greene County)

Acreage Claimed:

Assessed: 231 A - 7 P. + 42 $\frac{1}{2}$  Deed:  
273-2 R-17 P.

Value Claimed:

Assessed: \$1060.00 + \$191.00 DRED: \$3924  
(1926)

Location:

On top of Main Ridge and extending down in the western direction, north of the Spotswood Trail.

Incumbrances, counter claims or laps:

None known.

Soil:

Sandy clay of good depth and fertility in the cleared portion. Fair depth and fertility in the wooded portion, very rocky, steep to moderate slopes. Northwest and south west exposure.

Roads:

One mile of fair dirt road to Spotswood Trail near Swift Run; thence six miles to Blkton.

History of tract and condition of timber:

Large portion of tract cleared many years ago, grazed since. Wooded area cut over repeatedly in the past. Present stand consists of mixed oaks, poplar and hickory. Estimated to cut an average of one cord of stavewood per acre or a total - 175 cords @ \$2.50 per cord -- \$437.50.

Improvements:

<u>Dwelling and shed:</u> 16x17', shingle roof, 2 rooms, log finish, with shed 8x17x8', in poor condition, abandoned --	\$20.00
<u>Meat house:</u> Frame, 12x16x12', shingle roof, poor condition --	20.00
<u>Old house:</u> Log, 14x14x12', shingle roof, poor condition --	10.00
<u>Orchard:</u> 50 apple trees - \$40.00 per acre --	40.00
	\$90.00

Value of land by types:

(Rockingham County)

<u>Type</u>	<u>Acreage</u>	<u>Value per acre</u>	<u>Total Value</u>
Slope	175	\$3.00	\$525.00
Fg	79	28.00	2212.00
	254		\$2737.00

Total value of land	\$2737.00
Total value of improvements	90.00
Total value of timber	437.50
Total value of tract	\$3264.50

Average value per acre \$12.85

County: Rockingham  
 District: Stonewall

#68 - Burke, S. V. & B. B. (Rockingham County)  
 #81 - Burke, S. V. & B. B. (Greene County)

Value of land by types: (Greene County)

Type	Acreage	Value per acre	Total Value
Slope	21	\$3.00	\$63.00
Fg	14	28.00	392.00
Fr	2	5.00	10.00
	<u>37</u>		<u>\$465.00</u>

Total value of land \$465.00  
 Total value of tract \$465.00

Average value per acre \$12.23

SUMMARY  
 Rockingham & Greene Counties

Slope	196 A.	@	\$3.00	=	\$588.00
Fg	93	@	28.00	=	2604.00
Fr	2	@	5.00	=	10.00
	<u>291</u>				<u>\$3202.00</u>

Total number of acres 291  
 Total value of land \$3202.00  
 Total value of improvements 90.00  
 Total value of timber 437.50  
 Total value of tract 3729.50

Average value per acre for entire tract \$12.81

NOTE—This need not be filed until the record discloses that the awards have been paid into the custody of the Courts.

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 . . . Defendants.

Comes now the undersigned and shows to the Court:

That a judgment in rem has heretofore been entered in this proceeding condemning to the use of the Petitioner the fee simple estate in the tract(s) of land numbered as follows: Tract No. 68 . . . : Tract No. . . . : Tract No. . . . ; and described in the report of the Board of Appraisal Commissioners appointed therein and shown, numbered, and delineated on the County Ownership Map filed therewith, upon payment into the custody of the Court of the sum(s) set out in the said judgment as constituting the award(s) therefor, as follows: Award on Tract No. 68 . . . \$3262.50.; on Tract No. . . . \$ . . . ; on Tract No. . . . \$ . . . ;

That the report of the said Board sets forth that the following named persons claim, or appear to have a claim to an interest in the said tract(s) of land or in the proceeds arising from the condemnation thereof;

S. V. and B. B. Burke

That the Petitioner has paid into the custody of the Court the said sum(s) set out in said judgment as constituting the award(s) of the fee simple estate in the said tract(s) of land;

That your undersigned, on the date of the said judgment in rem condemning the said tract(s) of land, owned or was (were) entitled to the following interest in the said tract(s) or in the proceeds arising from the condemnation thereof:—

Under the terms of a duly recorded contract and deed conveying the Skyline roadbed running through this tract, the owner granted and conveyed to the undersigned the right to receive from said proceeds, the sum of \$257.00

That no other person or persons than the undersigned are entitled to share in the distribution of the said award(s) except the following named persons whose interest in said tract(s) or in the proceeds arising from the condemnation thereof on the date of entry of said judgment was as follows:

The above mentioned claimant to the extent that he may be able to establish his claim.

Wherefore, your undersigned pray(s) that ~~he (they) be made a party (parties)~~ herein under the provisions of Section 21 of the Public Park Condemnation Act, and that an order be entered for the distribution of said sum(s) set forth in said judgment in rem as constituting the award(s) for the fee simple estate in the said tract(s) condemned as aforesaid, and for the payment to the undersigned of the said award(s) or of as much thereof as the Court may find that the undersigned is (are) entitled to receive, and which the undersigned aver(s) is as follows: Tract No. 68 . . . \$257.00 . . . : Tract No. . . . \$ . . . : Tract No. . . . \$ . . . ;

The undersigned further aver(s) that: (Leave this space blank unless there is some other pertinent matter to be brought especially to the attention of the court)

NAME

P. O. ADDRESS

STATE COMMISSION ON CONSERVATION AND DEVELOPMENT

BY

*Wesley C. Chestnut*  
COUNSEL

NOTE—A supply of this blank has been placed in the Clerk's office for the convenience of interested parties. No one is required to use this form, as the form is not prescribed by law, and claimants can either change or modify it as they deem necessary, or present their motions in any form they may desire which meets with the approval of the Court. This blank form may not and probably will not cover all cases. It has been printed merely as a suggestion of a form of a motion which may be used, subject to the approval of the court in each case.

STATE OF VIRGINIA )  
COUNTY OF WARREN ) SS

Personally appeared before me the undersigned Notary Public in my said State and County, E. K. Stokes, who being duly sworn, deposed and said that she is an employee of the State Commission on Conservation and Development in immediate charge of the records of the Shenandoah National Park Division thereof having to do with claims of the Commission for distributive shares of condemnation awards in the Shenandoah National Park condemnation proceedings pending in the Circuit Courts of Virginia, by reason of contracts and agreements entered into with the owners of lands sought to be condemned in these proceedings, and that the within claim is just and correct.

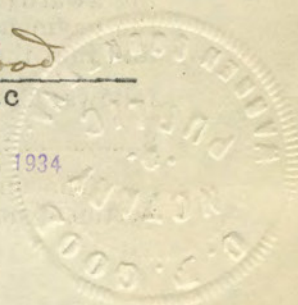
Witness my signature and Notarial Seal this 19th day of December, 1933.

Chas. F. Good

Notary Public

NOTARY PUBLIC

My Commission Expires Sep. 8, 1934



TO WHOM IT MAY CONCERN:

This is to certify that the taxes for the year 1933 on the tract of mountain land containing \_\_\_\_ acres and designated in the Park condemnation suit as Tract No. 68, situate in Rockingham County, Virginia, and assessed in the name of Barbara B. Burke, have been paid.

Given under my hand this 21<sup>st</sup> day of February, 1934.

M. H. Harrison  
Treasurer of Rockingham County, Virginia.

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TO WHOM IT MAY CONCERN:

This is to certify that the records in my office do not show any delinquent taxes against the tract of mountain land containing \_\_\_\_ acres and known and designated in the Park condemnation suit as No. 68, situate in Rockingham County, Virginia, said tract of land standing in the name of Barbara B. Burke.

I further certify that the claim filed in my office by the State Commission on Conservation and Development of the State of Virginia on account of the Skyline Drive and to be paid out of the award for Tract No. 68 is the sum of Two Hundred and Fifty-seven Dollars (\$257.00).

Given under my hand this 21 day of February, 1934.

Samuel Ambrose  
Clerk of the Circuit Court of Rockingham  
County, Virginia.





IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

PETITIONER,

V.

At Law, No. 1829.

Cassandra Lawson Atkins and others.

On this, the    day of March, 1934, came Barbara B. Burke, and, on her motion, leave is given her to file her application for the disbursement of the sum of Thirty-nine Hundred and Sixty-nine Dollars and Fifty Cents (\$3,969.50), the amount of the award set out in the judgment of condemnation for Tract No. 68 and heretofore paid into court:

And it appearing to the Court that the said Barbara B. Burke is invested with a superior or better right or claim of title in and to said tract of land No. 68 than any other person or persons, and that the record of this cause does not disclose any denial or dispute by any party or person in interest as to the title to said tract No. 68 or to the proceeds arising from the condemnation of said tract No. 68, except that The State Commission on Conservation and Development of the State of Virginia has filed a claim herein for the sum of Two Hundred and Fifty-seven Dollars (\$257.00), being a refund on account of the payment heretofore made to the said Barbara B. Burke for the Skyline Drive:

And it further appearing to the Court that all taxes due on said tract No. 68 have been paid:

Upon consideration whereof, it is considered and ordered by the Court that the said sum of Thirty-nine Hundred and Sixty-nine Dollars and Fifty Cents (\$3,969.50), paid into court by petitioner as just compensation for tract No. 68, be disposed of as follows:

That the said sum of Two Hundred and Fifty-seven Dollars (\$257.00) be retained by the Treasurer of Virginia subject to the further order of the Court, and that the sum of Thirty-seven Hundred and Twelve Dollars and Fifty Cents (\$3,712.50) be paid unto the said Barbara B. Burke.

And the Clerk of this Court is directed to transmit a certified copy of this order to the Treasurer of Virginia, who shall pay unto the said Barbara B. Burke the said sum of Thirty-seven Hundred and Twelve Dollars and Fifty Cents (\$3,712.50), taking from the said Barbara B. Burke a receipt therefor and certifying such payment to the Clerk of this Court for appropriate entry thereof, as required by law.

Enter.

*AWB*

\_\_\_\_\_  
Judge.

*20*  
*127*



JOHN M. PURCELL  
TREASURER OF VIRGINIA

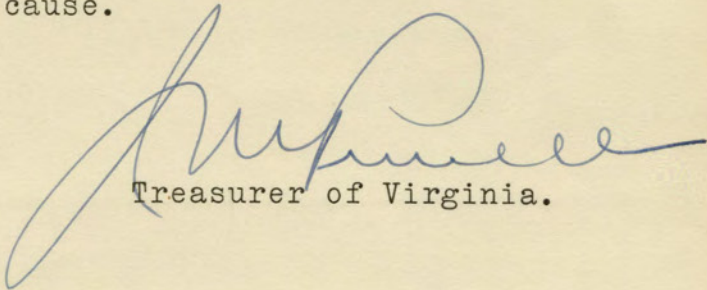
# Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

March 3, 1934

This is to certify that I, J. M. Purcell, Treasurer of Virginia have this 3 day of March in accordance with an order of the circuit court of Rockingham County dated <sup>3</sup>5/1/34 in the cause of the State Commission on Conservation and Development of the State of Virginia vs. Cassandra Lawson Atkins paid to Barbara B. Burke \$ 3,712.50 being in full settlement of tract # 68 in the above mentioned cause.

  
Treasurer of Virginia.



JOHN M. PURCELL  
TREASURER OF VIRGINIA

# Commonwealth of Virginia

TREASURER'S OFFICE  
RICHMOND, VA.

March 3, 1934

Barbara B. Burke

Received of J. M. Purcell, Treasurer of Virginia, the sum of \$ 3,712.50, in accordance with an order of the Circuit Court of the county of Rockingham entered on the 1st day of March 1934, 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 # 68.

Barbara B Burke

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

VIRGINIA. IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY.  
IN VACATION.

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

v.

Cassandra Lawson Atkins, et als, defendants.

In Re: Proceeds of condemnation of Tract No. 68, S. V. and B. B.  
Burke- \$257.00.

This day came the State Commission on Conservation & Development, by counsel, and moved the Court to enter an order directing the Treasurer of Virginia, to pay to it, the sum of \$257.00, out of the funds held by him, subject to the order of this Court, covering judgment in rem for the value and damages of the above mentioned tract, on the grounds that the said S. V. and B. B. Burke, in a certain conveyance made by them to said Commission on the 12 day of June 1931, and of record in Deed Book 150 page 63 of the Clerk's Office of this Court, had agreed to credit on the amount of said judgment in rem, the said sum of \$257.00; and it appearing that pursuant to the order of this Court entered in the above styled proceeding on March 1st, 1934, the whole of the proceeds of condemnation have been paid out to the parties entitled thereto, except the said sum of \$257.00 and it further appearing that said Commission is entitled to said sum by virtue of its claim therefor filed herein heretofore, and that no objection has been made, or raised to the allowance and payment thereof, it is accordingly adjudged and ordered that the Treasurer of Virginia, do out of the funds in his hands to the credit of this Court, pay to the said State Commission on Conservation & Development, the aforesaid sum of \$257.00.

The Clerk of the Circuit Court of Rockingham County, Va., will enter the foregoing order upon the Common Law Order Book of his Court as a vacation order.

Given under my hand in vacation this 13 day of August, 1935.

*A. W. Bestrom*  
Judge of the Circuit Court of Rockingham  
County, Virginia.

no/38 ✓



JOHN M. PURCELL  
TREASURER OF VIRGINIA

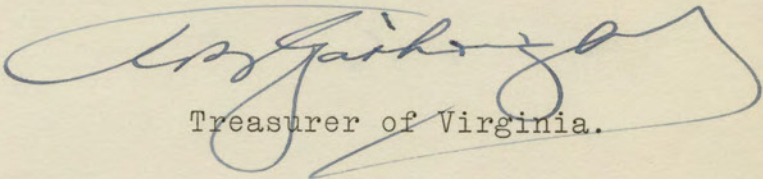
# Commonwealth of Virginia

TREASURER'S OFFICE  
RICHMOND, VA.

August 16, 1935

A. B. Gathright

This is to certify that I, ~~John M. Purcell~~, Treasurer  
of Virginia have this 16 day of August in accordance  
with an order of the circuit court of Rockingham County  
dated 8/13/35 in the cause of the State Commission  
on Conservation and Development of the State of Virginia  
vs. Cassandra Lawson Atkins and others  
paid to State Commission on Conservation & Development  
\$ 257.00 being in full settlement of tract # 68  
in the above mentioned cause.

  
Treasurer of Virginia.



**JOHN M. PURCELL**  
TREASURER OF VIRGINIA

# Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

August 16, 1935

State Commission on Conservation & Development

A. B. Gathright  
Received of ~~John M. Purcell~~, Treasurer of  
Virginia, the sum of \$ 257.00, in accordance  
with an order of the Circuit Court of the county  
of Rockingham entered on the 13 day  
of August 1935, 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 # 68.

*W. C. Armstrong*

Attorney for State Commission on  
Conservation and Development

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