

STATE OF NORTH CAROLINA
SWAIN COUNTY

W A R R A N T Y D E E D

(DOCUMENTARY STAMPS 55¢ attached)

Tract No. FR-1011
Map No. 17 R.4

This Deed, Made this 1st day of May, 1944, by and between David J. Caldwell, in the armed forces of the United States of America, and wife, Ruby Smith Caldwell of the County of Craven, and State of North Carolina, as parties of the first part, and the United States of America as party of the second part:

Witnesseth, that the said parties of the first part, in consideration of the sum of three Hundred Fifty and 96/100 Dollars (\$350.96) to them paid by the party of the second part, the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do grant, bargain, sell and convey unto the United States of America, its successors and assigns, an undivided 1/2 interest, subject to the life estate of Inez B. Caldwell in 1/3 interest, in and to a certain tract or parcel of land, situate, lying and being in Swain County, State of North Carolina, and more particularly described as follows, to-wit:

A tract of land lying in Charleston Township of Swain County, State of North Carolina, on the right side of the Tuckasegee River, approximately 1 1/2 miles northeast of the mouth of Noland Creek, and more particularly described as follows:

BEGINNING at a point in the center line of Canebrake Branch witnessed by a beech stump, a corner of the lands of Silas Ball, and Roy Payne; thence with Roy Payne's line S. 86° 30' E., 1170 feet to a point at the top of a ridge, a corner of the lands of Roy Payne, and Charley C. McLean; thence with Charley C. McLean's line S. 16° 00' W., 530 feet to a point; thence S. 9° 00' W., 180 feet to a point (prev. desc. as a stake); a corner of the lands of Charley C. McLean, and the Nantahala Power & Light Company; thence with the Company's line S. 4° 00' W., 157 feet to a point (prev. desc. as a stake); thence S. 17° 00' E., 122 feet to a point (prev. desc. as a stake); thence S. 26° 00' E., 296 feet to a point (prev. desc. as a stake); thence S. 4° 00' E., 74 feet to a point (prev. desc. as a stake); thence S. 13° 00' W., 360 feet to a point (prev. desc. as a stake); thence due west 933 feet to a point (prev. desc. as a stake); thence N. 83° 00' W., 625 feet to a point in Canebrake Branch witnessed by a stone, a corner of the lands of the Nantahala Power & Light Company, and Dr. Edgar Angel; thence with Dr. Edgar Angel's line N. 19° 00' E., 360 feet to a point; thence N. 1° 00' E., 250 feet to a point; thence N. 23° 00' E., 165 feet to a point; thence N. 32° 00' E., 130 feet to a point; thence N. 9° 00' E., 265 feet to a point; thence N. 7° 00' W., 180 feet to a point; thence N. 4° 00' E., 225 feet to a piece of railroad iron, a corner of the lands of Dr. Edgar Angel, and Silas Ball; thence with Silas Ball's line N. 4° 00' E., 145 feet to the point of beginning, and containing 54. acres, more or less, subject to such rights as may be vested in the county or state to right of way for a county type of state road.

It is understood and agreed that the bearings given in the above description are based on the North Carolina State Coordinate System, Lambert Projection, as established by the U. S. Coast and Geodetic Survey. The central meridian for this coordinate system is located at Longitude 79° 00' W.

The above described tract of land was acquired by David J. Caldwell, one of the parties of the first part, who is the same person as David Caldwell, named in the will of Alfred Shorter Caldwell, deceased, recorded in Will Book 2, page 172, records of Swain County, North Carolina, as a child and devisee of said Alfred Shorter Caldwell.

It is understood and agreed that the parties of the first part grant and convey the above described tract of land subject to such right, title, and interest in and to 5/6 of all mines, minerals and mining privileges in and under that part of tract FR-1011 carved out of Grant 2303 as may be outstanding in third parties by virtue of the conveyance contained in that certain deed from Samuel Anthony and Sarah A. Anthony to Lettie N. Hill, Jane H. Hyatt, Julius N. Garrett, A. B. Garrett and the heirs of W. B. Garrett, deceased, recorded in Deed Book 3, page 61, in the office of the Register of Deeds for Swain County, North Carolina. And the parties of the first part, for the considerations herein set out hereby convey any and all right, title, and interest which they may now have or may hereafter have, in and to the minerals contained in the above described tract of land by way of reversion, remainder, adverse possession, prescription, or otherwise.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges and appurtenances thereto belonging, to the United States of America, its successors and assigns, to its own use and behoof forever.

And the said parties of the first part, for themselves, their heirs, successors, administrators and assigns, covenant with the said party of the second part, its successors and assigns that they are seized of an undivided 1/2 interest in said land and premises in fee, subject to the life estate of Inez B. Caldwell in 1/3 interest, and have right to convey the same in fee simple; that the same are free and clear from all encumbrances and that they will