

## STATE OF NORTH CAROLINA

## COUNTY OF SWAIN

The foregoing certificate of Martin Southern of Knox County, State of Tennessee, is adjudged to be in due form according to law.

Therefore let the Option or Contract with certificate be registered.

This 10 day of January, 1944.

H. J. Truett (C.S.C.)  
Swain County, N. C.

January 11, 1944

Received of Bright Burrell the sum of \$25.00 as down payment on the W. D. Byrd and Cora Byrd share of John Shephard Estate, If Andrew Earls fails to get deed from property, this money will be refunded to Mr. Burrell.

Andrew Earls

Signed before me this January 11, 1944.

Annie Mae Truett  
Deputy Clerk Superior Court.

NORTH CAROLINA,

SWAIN COUNTY.

Filed for registration on the 10th day of Jan. 1944, and registered in the office of the Register of Deeds for Swain County, North Carolina, this 11th day of Jan. 1944, at 2:05 o'clock P. M., in Book 68 on page 355.

*H. J. Truett*  
Deputy Register of Deeds  
Swain County, North Car.

## WARRANTY DEED

(DOCUMENTARY STAMPS ATTACHED \$4.95)  
Tract No. FR-1035  
Map No. 16 R. 5

STATE OF NORTH CAROLINA

COUNTY OF SWAIN

THIS DEED, Made this 10 day of January, 1944, by and between WILLIAM C. COLE and wife, MARGARET M. COLE; JOHN C. COLE and wife, RUTH W. COLE; JAMES M. COLE and wife, CARRIE T. COLE; JESSE L. COLE and wife, MARGARET M. COLE; SARAH E. COLE, unmarried; and NELLIE COLE TIPTON and husband, NOAH TIPTON, of the County of Swain 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 FOUR THOUSAND TWO HUNDRED FIFTY-FIVE AND 20/100 Dollars (\$4,255.20), 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, 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 Forneys Creek Township of Swain County, State of North Carolina, on the right side of the Tuckasegee River, approximately 1 7/8 miles northwest of the mouth of Noland Creek, and more particularly described as follows:

BEGINNING at a railroad iron in the north boundary line of the tract herein described, a corner of the lands of W. C. Cole, and A. C. Hyatt et ux; thence with A. C. Hyatt's line North 78° 00' East, 490 feet to a stake; thence South 22° 00' East, 295 feet to a point; thence South 2° 00' East, 650 feet, passing a 1 1/4 inch willow tree at 140 feet, to a stake, a corner of the lands of A. C. Hyatt et ux, and E. O. Hall; thence with E. O. Hall's line South 7° 30' East, 560 feet to a point at the top of a ridge, a corner of the lands of E. O. Hall, and W. H. Cole; thence with W. H. Cole's line and the top of the ridge as it meanders approximately along the following bearings and distances: South 75° 00' West, 240 feet, South 42° 00' West, 920 feet, South 78° 00' West, 190 feet, South 29° 00' West, 260 feet, South 54° 00' West, 680 feet, South 25° 00' West, 500 feet to a point, a corner of the lands of W. H. Cole, and the Nantahala Power & Light Company; thence leaving the ridge and with the Company's line along the following bearings and distances: South 77° 00' West, 410 feet to a point (prev. desc. as a pipe); South 40° 30' West, 220 feet to a point (prev. desc. as a pipe); North 3° 30' West, 254 feet to a point (prev. desc. as a pipe); North 32° 00' West, 318 feet to a point (prev. desc. as a 4 inch black oak tree); North 7° 00' East, 2000 feet to a point (prev. desc. as a pine stump); North 33° 00' East, 338 feet to a point (prev. desc. as a pipe);, a corner of the lands of the Nantahala Power & Light Company, and W. C. Cole; thence with W. C. Cole's line along the following bearings and distances: South 17° 00' West, 310 feet to an iron pin; South 75° 00' East, 70 feet to a 16 inch chestnut oak tree; North 37° 00' East, 890 feet to an iron pin; North 75° 00' East, 1090 feet to the point of beginning, and containing 125 acres, more or less.

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' West.

The above described land was acquired by the parties of the first part by virtue of descent from J. S. Cole who acquired title by deed from W. B. Cole and wife, dated July 25, 1924, and recorded in Book 57, Page 172, in the office of the Register of Deeds of Swain County, North Carolina.

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 the minerals as may be outstanding in third parties by virtue of the exception contained in the deed from John B. Hoyle et ux to Sarah J. Buchanan, dated April 20, 1880, and recorded in Book 2, Page 460, in the office of the Register of Deeds of Swain County, North Carolina. And the parties of the first part, for the consideration 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 said land and premises in fee, and have right to convey the same in fee simple; that the same are free and clear from all encumbrances and that they will warrant and defend the title to same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals this the day, month and year above written.

s/ William C. Cole	(SEAL)
William C. Cole	
s/ Margaret M. Cole	(SEAL)
Margaret M. Cole	
s/ John C. Cole	(SEAL)
John C. Cole	
s/ Ruth W. Cole	(SEAL)
Ruth W. Cole	
s/ James M. Cole	(SEAL)
James M. Cole	
s/ Carrie T. Cole	(SEAL)
Carrie T. Cole	
s/ Jesse L. Cole	(SEAL)
Jesse L. Cole	
s/ Margaret M. Cole	(SEAL)
Margaret M. Cole	
s/ Sarah E. Cole	(SEAL)
Sarah E. Cole	
s/ Nellie Cole Tipton	(SEAL)
Nellie Cole Tipton	
s/ Noah Tipton	(SEAL)
Noah Tipton	

STATE OF NORTH CAROLINA  
COUNTY OF SWAIN

I, Crawford Pearson, a Notary Public for Graham County, N.C., do hereby certify that SARAH E. COLE, unmarried; WILLIAM C. COLE and wife, MARGARET M. COLE; JOHN C. COLE and wife, RUTH W. COLE; JAMES M. COLE and wife, CARRIE T. COLE; JESSE L. COLE and wife, MARGARET M. COLE; and NELLIE COLE TIPTON and husband, NOAH TIPTON, personally appeared before me this day and acknowledged the due execution of the foregoing instrument; and the said Margaret M. Cole, wife of William C. Cole; Ruth W. Cole, wife of John C. Cole; Carrie T. Cole, wife of James M. Cole; Margaret M. Cole, wife of Jesse L. Cole; and Nellie Cole Tipton, wife of Noah Tipton, being by me privately examined, separate and apart from their said husbands, touching their voluntary execution of the same, do state that they signed the same freely and voluntarily, without fear or compulsion of their said husbands or any other person, and that they do still voluntarily assent thereto.

WITNESS my hand and official seal this 10th day of Jan., A. D., 1944, and I certify that by virtue of Section 3176, N. C. Code, I am qualified to act in all counties of the State of North Carolina.

(SEAL AFFIXED)

Crawford Pearson, Notary Public

My commission expires: 5-3-45

STATE OF NORTH CAROLINA, SWAIN COUNTY

The foregoing certificate of CRAWFORD PEARSON, a Notary Public of Graham County, attested by his official seal, is adjudged to be correct. Let the instrument, and the certificate, be registered.

WITNESS my hand this 12 day of January, A. D., 1944.

H. J. Truett, Clerk Superior Court

Filed for registration on the 12 day of Jan., 1944, at 9:10 o'clock, A. M., and registered in the office of the Register of Deeds for Swain County, North Carolina, 12 day of January, 1944, at 10:50 o'clock A. M., in Book 68 of Deeds, and Page 356, etc.

*H. J. Truett*  
Deputy Register of Deeds  
Swain County, North Carolina

STATE OF NORTH CAROLINA

SWAIN COUNTY

THIS DEED, made this the 29th day of October, 1943, by ARVEL MILSAPS and wife, CATHERINE MILSAPS, of Swain County, and State of North Carolina, of the first part, to G. B. LACKEY and wife, ROSIE LACKEY, of Swain County, North Carolina, of the second part:

WITNESSETH, That said Arvel Milsaps and Catherine Milsaps, in consideration of Ten Dollars to them paid by G. B. Lackey and Rosie Lackey, the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do grant, bargain, sell and convey to the said G. B. LACKEY and wife, ROSIE LACKEY, their heirs and assigns, certain tracts or parcels of land situated in Swain County, State of North Carolina, and which is bounded and described as follows:

FIRST TRACT: BEGINNING on a small post oak on top of a ridge, D. K. Collins line and runs with the top of the ridge a west course to a pine corner, thence down the ridge a southeast course to a post oak, thence down the ridge to another pine, thence southwest to a dogwood, thence a southeast corner to a poplar, corner of J. A. Muse and Hohn Milsaps line, thence southwest to a black gum, thence southeast to a birch on bank of the river, Collins corner, thence with Collins line to the beginning, containing 10 acres, more or less.

SECOND TRACT: BEGINNING at a rock corner 107 feet from a black gum, runs to a walnut tree on lower side of Parris Road, thence with the lower side of Parris Road to a post oak thence with the Road to a rock corner, thence with the Weaver line to the Beginning, containing 3 acres, more or less.

Said two tracts being the same conveyed by Mohn Milsaps and wife to the undersigned, Arvel Milsaps, by deed dated March 4th, 1938, and of record in the office of the Register of Deeds for Swain County, North Carolina, in Book No. 62 of Deeds, on page 419.

TO HAVE AND TO HOLD the aforesaid tracts or parcels of land with all the privileges and appurtenances thereto belonging, to the said G. B. LACKEY and wife, ROSIE LACKEY, their heirs and assigns, to their only use and behoof forever.

And the said ARVEL MILSAPS and CATHERINE MILSAPS, for themselves, and their heirs, executors, and administrators, covenant with said G. B. LACKEY and ROSIE LACKEY, their heirs and assigns, that they are seized of said premises in fee and have the right to convey in fee simple; that the same are free and clear from all encumbrances, and that they do hereby forever warrant, and will forever defend, the said title to the same against the claims of all persons whomsoever.

IN TESTIMONY WHEREOF, the said ARVEL MILSAPS and CATHERINE MILSAPS have hereunto set their hands and seals, the day and year first above written.

Attest:  
Ewing Smith

Arvel Milsaps (SEAL)  
Catherine Milsaps (SEAL)

STATE OF TENNESSEE, RUTHERFORD COUNTY

\* I, Ewing Smith, a Notary Public in and for the county and State aforesaid, do hereby certify that ARVEL MILSAPS and CATHERINE MILSAPS, his wife, personally appeared before me this day and acknowledged the due execution of the annexed deed of conveyance; and the said Catherine Milsaps being by me privately examined, separate and apart from her said husband, touching her voluntary execution of the same, doth state that she signed the same freely and voluntarily, without fear or compulsion of her said husband or any other person, and that she doth still voluntarily assent thereto.

Witness my hand and private seal, at Mufreesboro, Tennessee, this the 29th day of October, 1943.  
(Seal Affixed)  
My commission expires January 16, 1945.

Ewing Smith, N. P.

NORTH CAROLINA, SWAIN COUNTY

The foregoing certificate of Ewing Smith, a Notary Public of Rutherford County, State of Tenn. is adjudged to be correct. Let the instrument, with the certificates, be registered.  
Witness my hand, this 13th day of January, 1944.

H. J. Truett, C. S. C.

Filed for Registration at 11:30 o'clock A. M. Jan. 13, 1944 and registered in the office of the Register of Deeds for Swain County, North Carolina, in Book 68 Page 358. Jan. 13, 1944.

*H. J. Truett*  
Deputy Register of Deeds  
Swain County, North Carolina.