

STATE OF NORTH CAROLINA  
CHEROKEE COUNTY

## North Carolina

I, James Denman, a Notary Public for Glay County ~~and~~ state, do hereby certify that James D. Mallonee; Sallie Stalcup King, widow; Thomas J. King and wife Bonnie Green King; Charles Brown and wife Nannie Brown, personally appeared before me this day and acknowledged the due execution of the foregoing instrument; and the said Bonnie Green King and Nannie Brown wives of Thomas J. King and Charles Brown, respectively 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. I certify that I am qualified to act in all counties of North Carolina under Sec. 3176, N. C. Code. Witness my hand and official seal this 28th day of March, A.D., 1944.

(Seal affixed) My commission expires: Oct. 6, 1945

James Denman, Notary Public

## STATE OF NORTH CAROLINA, SWAIN COUNTY

The foregoing certificates of Crawford Pearson a Notary Public of Graham County, North Carolina, and of William H. Blough, a Notary Public of Rhea County, Tennessee, and of Pearl C. Donaldson, a Notary Public of Gaston County, North Carolina, and of James Denman, a Notary Public of Clay County, North Carolina, attested by their official seals, are adjudged to be correct. Let the instruments, and the certificates, be registered.

Witness my hand this 11 day of April, A.D., 1944.

H. J. Truett

Clerk Superior Court

Filed for registration on the 11 day of April, 1944, at 1:40 o'clock P. M., and registered in the office of the Register of Deeds for Swain County, N.C., 13 day of April 1944, at 11:00 O'clock A. M., in Book 68 of Deeds, and Page 591, etc.

*H. J. Truett  
Register of Deeds*

STATE OF NORTH CAROLINA  
SWAIN COUNTY

TENNESSEE VALLEY AUTHORITY

Tract Nos. FR-1041

FR-1058

FR-1060

FR-1064

Map Nos. 35 & 38

WARRANTY DEED

(DOCUMENTARY STAMPS of \$13.75 attached)

This Deed, Made this 10th day of April, 1944, by and between Louis E. Fischer and wife, Mae Fischer, of the County of Cook and State of Illinois, 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 Twelve thousand seven and 75/100 Dollars (\$12,007.75) 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:

## TRACT NO. FR-1041

A tract of land lying in Forneys Creek Township of Swain County, State of North Carolina, on the right side of the Little Tennessee River, approximately 2-1/4 miles northwest of Bushnell, and more particularly described as follows:

BEGINNING at a stone in the center line of a road on the west boundary line of the tract herein described, a corner of the lands of Mrs. Laura Stephenson, and Oscar Kirkland; thence with Oscar Kirkland's line and the center line of the road as it meanders approximately along the following bearings and distances: N. 34° 30' E., 845 feet; N. 52° 30' E., 120 feet; N. 8° 00' E., 360 feet; N. 10° 30' E., 555 feet to a point in the center line of Big Branch; thence with the center line of the branch as it meanders upstream approximately 230 feet to a point, a corner of the land of Oscar Kirkland, the land in dispute between Arnold Kirkland and Oscar Kirkland, and the land in dispute between Arnold Kirkland, and the Bryson City Bank; thence, leaving the branch and with the line claimed by Arnold Kirkland as his south boundary line, S. 32° 15' E., 200 feet to a 15 inch hickory tree; thence S. 71° 00' E., 490 feet to a 3 inch black gum tree; thence N. 41° 30' E., 1220 feet to a point, a corner of the land claimed by Arnold Kirkland, and the land of the Bryson City Bank (An adjoining tract); thence with the Bank's line S. 82° 30' E., 450 feet to a point; thence S. 7° 30' W., 2240 feet to a point at the top of a ridge, a corner of the lands of the Bryson City Bank (an adjoining tract); and H. B. Anthony; thence with H. B. Anthony's line and the top of the ridge as it meanders approximately along the following bearings and distances: S. 34° 30' W., 450 feet; S. 50° 30' W., 765 feet to a point, a corner of the lands of H. B. Anthony, and R. E. L. Kirkland; thence with R. E. L. Kirkland's, and Pearley Kirkland's line N. 83° 00' W., 1790 feet, crossing the top of a ridge at 1080 feet, to a stake, a corner of the lands of Pearley

Kirkland, and John W. Kirkland et ux; thence with John W. Kirkland's line N.  $15^{\circ} 30'$  E., 300 feet to a stone in the center line of a road, a corner of the lands of John W. Kirkland et ux, and Mrs. Laura Stephenson; thence with Mrs. Laura Stephenson's line and the center line of the road as it meanders approximately along a bearing and distance of N.  $3^{\circ} 45'$  E., 295 feet to the point of beginning, and containing 127. acres, more or less, subject to such rights as may be vested in the county or state to right of way for a public road.

TRACT NO. FR-1058

A tract of land lying in Forneys Creek Township of Swain County, State of North Carolina, on the right side of the Little Tennessee River, approximately 2-3/4 miles northwest of Bushnell, and more particularly described as follows:

BEGINNING at a 16 inch Spanish oak tree at the top of Fork Ridge, a corner of the lands of the D. G. Fisher Heirs, and Oscar Kirkland, and the most northwesterly corner of the tract herein described; thence with Oscar Kirkland's line N.  $85^{\circ} 30'$  E., 2265 feet, crossing the North Fork of Chambers Creek at approximately 1950 feet, to a stone, a corner of the lands of Oscar Kirkland, A. L. Kirkland, and the Bryson City Bank (an adjoining tract); thence with the Bank's line S.  $18^{\circ} 00'$  E., 885 feet, crossing Cherry Branch at approximately 840 feet, to a white oak stump, a corner of the lands of the Bryson City Bank (an adjoining tract), Arnold Kirkland, and Oscar Kirkland; thence with Oscar Kirkland's line, a line marked by a fence for a portion of its length, S.  $30^{\circ} 30'$  W., 1010 feet, crossing the North Fork of Chambers Creek at approximately 120 feet, to a 6 inch chestnut oak tree; thence S.  $80^{\circ} 00'$  W., 730 feet to a 6 inch hickory tree, a corner of the lands of Oscar Kirkland, and J. D. Chambers; thence with J. D. Chambers' line along the following bearings and distances: N.  $74^{\circ} 30'$  W., 1220 feet; S.  $66^{\circ} 00'$  W., 550 feet to a stake; N.  $63^{\circ} 00'$  W., 370 feet to a point at the top of Fork Ridge, a corner of the lands of J. D. Chambers, and the D. G. Fisher Heirs; thence with the D. G. Fisher Heirs' line and the top of the ridge as it meanders in a general northeasterly direction approximately 1530 feet to the point of beginning, and containing 92 acres, more or less, subject to such rights as may be vested in the county or state to right of way for a public road.

TRACT NO. FR-1060

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 2-3/4 miles northwest of the mouth of Forney's Creek, and more particularly described as follows:

BEGINNING AT a white oak stump in the south boundary line of the tract herein described, a corner of the lands of Arnold Kirkland, Oscar Kirkland, and the Bryson City Bank (an adjoining tract); thence with the Bank's line N.  $18^{\circ} 00'$  W., 885 feet, crossing Cherry Branch at approximately 50 feet, to a stone, a corner of the lands of the Bryson City Bank (an adjoining tract), Oscar Kirkland, and A. L. Kirkland; thence with A. L. Kirkland's line N.  $23^{\circ} 00'$  W., 2500 feet, crossing Springhouse Branch at approximately 360 feet and the North Fork of Chambers Creek at approximately 2420 feet, to a 6 inch white oak tree; thence S.  $67^{\circ} 00'$  W., 2430 feet to a point at the top of Fork Ridge, a corner of the lands of A. L. Kirkland, and the D. G. Fisher Heirs; thence with the D. G. Fisher Heirs' line and the top of the ridge as it meanders in a northwesterly direction approximately 1950 feet to a point at the top of Trail Ridge; thence with the top of Trail Ridge as it meanders in a southerly direction approximately 2630 feet to a point, a corner of the lands of the D. G. Fisher Heirs, and the W. J. McClure Heirs; thence leaving the ridge and with the W. J. McClure Heirs' line and a hacked line N.  $44^{\circ} 00'$  W., 1540 feet to a hickory stump; thence, leaving the hacked line, S.  $43^{\circ} 30'$  W., 1000 feet, crossing Indian Camp Creek at approximately 40 feet, to a point; thence N.  $37^{\circ} 00'$  W., 330 feet to a point; thence with a hacked line for the last 1990 feet S.  $54^{\circ} 00'$  W., 3510 feet, crossing Little Laurel Creek at approximately 1450 feet and passing a 36 inch chestnut tree at 1520 feet, to a point at the top of Bear Pen Ridge, a corner of the lands of the W. J. McClure Heirs, Albert Henely, and Harve Dills; thence leaving the hacked line and with Harve Dills' line and the top of the Ridge as it meanders in a northwesterly direction approximately 1460 feet to a point, a corner of the lands of Harve Dills, and N. A. Pilkington; thence leaving the ridge and with N. A. Pilkington's line N.  $2^{\circ} 30'$  E., 740 feet to a point, a corner of the land of N. A. Pilkington, and the lands in dispute between the J. E. Coburn Heirs and N. A. Pilkington, and between the J. E. Coburn Heirs and the Bryson City Bank; thence with the line claimed by the J. E. Coburn Heirs as their boundary line S.  $88^{\circ} 00'$  E., 2910 feet to a point; thence N.  $3^{\circ} 00'$  E., 2330 feet to a point, a corner of the lands of the J. E. Coburn Heirs, and P. M. Westfeldt & the J. E. Coburn Heirs; thence with P. M. Westfeldt & the J. E. Coburn Heirs' line and a hacked line N.  $66^{\circ} 00'$  E., 7470 feet to a point, a corner of

the lands of P. M. Westfeldt & the J. E. Coburn Heirs, and the U. S. Department of Interior (Great Smoky Mountains National Park); thence with the Park Boundary Line along the following bearings and distances:

S. 48° 25' E., 157 feet; S. 29° 28' E., 194 feet; S. 59° 26' E., 90 feet; S. 70° 21' E., 270 feet;  
 S. 62° 34' E., 185 feet; S. 59° 34' E., 320 feet; S. 77° 25' E., 272 feet; S. 79° 52' E., 342 feet; S. 68° 05' E.,  
 361 feet; S. 48° 27' E., 238 feet; S. 56° 32' E., 105 feet; S. 26° 41' E., 266 feet; S. 27° 49' W., 92 feet;  
 S. 37° 20' W., 234 feet; S. 8° 51' W., 229 feet; S. 4° 04' W., 132 feet; S. 17° 00' E., 262 feet; S. 36° 12' E.,  
 1372 feet; S. 41° 22' E., 248 feet; S. 55° 51' E., 224 feet; S. 70° 10' E., 155 feet; S. 4° 00' E., 96 feet;  
 S. 10° 42' E., 281 feet; S. 5° 52' E., 227 feet; S. 8° 27' E., 346 feet; S. 38° 36' E., 204 feet; S. 51° 21' E.,  
 118 feet; S. 55° 49' E., 334 feet; S. 40° 15' E., 284 feet; S. 14° 36' E., 321 feet; S. 38° 15' E., 302 feet;  
 S. 18° 52' E., 543 feet to a stake in a fence line and at the top of a ridge, a corner of the lands of the U. S.  
 Department of Interior (Great Smoky Mountains National Park), Caro Lee Cole, and H. B. Anthony; thence with H. B.  
 Anthony's line and the top of the ridge as it meanders approximately along the following bearings and distances:  
 S. 29° 00' W., 2630 feet, S. 21° 30' W., 850 feet to a point, a corner of the lands of H. B. Anthony, and the  
 Bryson City Bank (an adjoining tract); thence leaving the ridge and with the Bank's line along the following  
 bearings and distances: N. 7° 30' E., 2240 feet; N. 82° 30' W., 450 feet to a point, a corner of the land of the  
 Bryson City Bank (an adjoining tract), the land in dispute between Arnold Kirkland the Bryson City Bank, and the land  
 of Arnold Kirkland; thence with Arnold Kirkland's line along the following bearings and distances: N. 45° 00' E.,  
 2050 feet; S. 74° 30' W., 3620 feet to the point of beginning, and containing 899. acres, more or less.

TRACT NO. FR-1064

A tract of land lying in Forneys Creek Township of Swain County, State of North Carolina, on the right side  
 of the Little Tennessee River, approximately 2 1/2 miles northwest of Bushnell, and more particularly described  
 as follows:

BEGINNING at a 36 inch black oak tree in the east boundary line of the tract herein described, a corner of the  
 lands of Harley Kirkland, and A. R. Anthony et ux; thence with A. R. Anthony's line S. 5° 00' W., 990 feet to a  
 point, a corner of the lands of A. R. Anthony et ux, and M. A. Chambers; thence with M. A. Chambers' line S. 86° 00'  
 W., 1710 feet to a point, a corner of the lands of M. A. Chambers, and George & Charlie Wiggins; thence with George &  
 Charlie Wiggins' line due north, 150 feet to a point; thence S. 87° 00' W., 800 feet to a point at the top of a  
 ridge, a corner of the lands of George & Charlie Wiggins, and Harve Dills et ux; thence with Harve Dills', and  
 James Kirkland's line and the top of the ridge as it meanders approximately along the following bearings and  
 distances: N. 32° 00' E., 905 feet, passing a chestnut stump at 305 feet; N. 52° 00' E., 745 feet to a point;  
 thence, leaving the ridge and with James Kirkland's line, N. 46° 00' W., 120 feet to a 6 inch locust tree, a corner  
 of the lands of James Kirkland, and the D. G. Fisher Heirs; thence with the D. G. Fisher Heirs' line N. 74° 00' E.,  
 1060 feet to a point; thence S. 85° 30' E., 945 feet to a point, a corner of the lands of the D. G. Fisher Heirs,  
 and Harley Kirkland; thence with Harley Kirkland's line S. 54° 00' W., 385 feet to a point; thence S. 5° 00' W.,  
 330 feet to the point of beginning, and containing 73 acres, more or less.

It is understood and agreed that the bearings given in the above descriptions 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.

Being the property acquired by Louis E. Fischer, one of the first parties hereto, by deed executed by  
 Bryson City Bank, dated November 2, 1931, recorded in Deed Book 60, page 116, in the office of the Register of Deeds  
 for Swain County, North Carolina.

The Louis E. Fischer, named as one of the first parties hereto, is one and the same person as L. E. Fischer,  
 grantee in the deed recorded in Deed Book 60, page 116, in the office of the Register of Deeds for Swain County,  
 North Carolina.

TO HAVE AND TO HOLD the aforesaid tracts or parcels 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 a 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.

Louis E. Fischer (Seal)  
Louis E. Fischer

Mae Fischer (Seal)  
Mae Fischer

STATE OF ILLINOIS  
COOK COUNTY

I, Grace Flagg, a Notary Public, for said County and State, do hereby certify that Louis E. Fischer and wife, Mae Fischer, personally appeared before me this day and acknowledged the due execution of the foregoing instrument; and the said Mae Fischer, wife of Louis E. Fischer, being by me privately examined, separate and apart from her said husband, touching her voluntary execution of the same, does state that she signed the same freely and voluntarily, without fear or compulsion of her said husband or any other person, and that she does still voluntarily assent thereto.

Witness my hand and official seal this 10th day of April, A.D., 1944.

(Seal affixed) My commission expires: Feb. 28, 1947

Grace Flagg

STATE OF NORTH CAROLINA  
SWAIN COUNTY

The foregoing certificate of Grace Flagg, a Notary Public of Cook County, Illinois, attested by her official seal, is adjudged to be correct. Let the instrument, and the certificate, be registered.

Witness my hand this 12th day of April, A.D., 1944.

H. J. Truett  
Clerk Superior Court

Filed for registration on the 12 day of April, 1944, at 2:40 o'clock P. M., and registered in the office of the Register of Deeds for Swain County, N.C., 14 day of April, 1944 at 11:30 o'clock A. M., in Book 68 of Deeds, and Page 594, etc.

*H. J. Truett*  
D. R. Welch, Deputy Register of Deeds  
Swain County, N. C.

UNITED STATES OF AMERICA  
upon the relation and  
for the use of the  
TENNESSEE VALLEY AUTHORITY  
Petitioner

FR-878,904,906  
Vou. No. 44-94259

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

v.  
NORA WIGGINS  
JESS WIGGINS, her husband  
Respondents

Filed Mar 28 1944

Clerk, U.S. Dist. Court

DECLARATION OF TAKING

No. 499

Tennessee Valley Authority, the authority empowered by law to acquire in the name of the United States of America the property described in the petition of similar title filed in this Court, hereby files this declaration of taking pursuant to the provisions of an act of Congress approved February 26, 1931, 46 Stat. 1421, 6. 307, 40 U. S. C. A. 258a, and declares that said property is hereby taken for the use of the United States of America acting by and through its corporate creature and agent, the Tennessee Valley Authority, and further declares that:

1. The estate or interest taken in the said property for the said public use is the fee simple title, free of all liens, claims, and encumbrances, except as hereinafter shown.

2. The property taken is described as follows:

TRACT FR-878

A tract of land lying in Nantahala Township of Swain County, State of North Carolina, on the right side of the Little Tennessee River, approximately 1-3/4 miles southeast of Judson, and more particularly described as follows:

BEGINNING at an 8 inch spanish oak tree at the top of a ridge, a corner of the lands of the W. A. Collins Heirs, Nora Wiggins, and P. O. Elliott et ux; thence with P. O. Elliott's line and the top of the ridge as it meanders approximately along a bearing and distance of S. 26° 00' W., 180 feet to a stake, a corner of the lands of P. O. Elliott et ux, and Nora Wiggins; thence, leaving the top of the ridge, with Nora Wiggins' line N. 71° 00' W., 550 feet to a stake at the top of a ridge, a corner of the lands of Nora Wiggins, and the W. A. Collins Heirs; thence with the W. A. Collins Heirs' line and the top of the ridge as it meanders approximately along a bearing and distance of N. 67° 00' E., 390 feet to a pine stump; thence, leaving the top of the ridge, S. 49° 00' E., 310 feet to the