

STATE OF NORTH CAROLINA)  
SWAIN COUNTY )

DEED OF CONVEYANCE

FR-1082

WHEREAS, on the 15th day of October, 1929, E. M. Sutton and J. E. Sutton, by warranty deed recorded in Book 55, page 579, Register of Deeds Office of Swain County, North Carolina, conveyed to D. M. Franklin an undivided one-third interest in a 58-acre tract of land, fully described in said deed, to which record reference is made for specific description, and

WHEREAS, on October 15, 1929, the said D. M. Franklin and E. M. Sutton and J. E. Sutton entered into a contract under the terms of which the said D. M. Franklin agreed, as consideration for the deed aforesaid, to furnish money and labor and prospect for mineral on said land and try to make sale of the same, and upon failure to find sufficient mineral on said land to pay for working or to put on the market after a period of two years to re-convey said one-third interest in said land to said E. M. and J. E. Sutton, and

WHEREAS, sufficient mineral was not developed within the time aforesaid, and the said D. M. Franklin desires to comply with his agreement to re-convey said interest in said property, and

WHEREAS, since the date of said agreement, E. M. Sutton died intestate survived by his widow and several children;

WHEREFORE, in consideration of the premises and to carry into effect said agreement, D. M. Franklin and Roxie Franklin, his wife, of Swain County, North Carolina, hereby transfer, convey, release, and confirm unto J. E. Sutton, an undivided one-sixth interest; and unto the widow and heirs at law of E. M. Sutton, an undivided one-sixth interest in the tract of land as described in the deed above referred to, said widow and heirs at law of E. M. Sutton taking said interest in the same proportion as the title to his unconveyed interest descended to them, and this conveyance having the same effect to restore the title to said tract of land, as though said one-third interest had never been conveyed to D. M. Franklin.

To have and to hold unto the said J. E. Sutton and the widow and heirs of E. M. Sutton in the proportions, interests, and manner aforesaid, to their own use and behoof forever.

In Witness Whereof the said D. M. Franklin and wife, Roxie Franklin, have hereunto set their hands and seals this 8th day of February, A.D., 1944.

D. M. Franklin (Seal)  
D. M. Franklin

Roxie Franklin (Seal)  
Roxie Franklin

STATE OF NORTH CAROLINA  
SWAIN COUNTY

I, I. C. Harrington, a Notary Public, for said County and State, do hereby certify that D. M. Franklin and wife, Roxie Franklin, personally appeared before me this day and acknowledged the due execution of the foregoing instrument; and the said Roxie Franklin, wife of D. M. Franklin, 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 doth still voluntarily assent thereto.

Witness my hand and official seal this 8th day of February, A.D., 1944.

(Seal affixed) My commission expires: 12-30-1945.

I. C. Harrington  
Notary Public

STATE OF NORTH CAROLINA, SWAIN COUNTY

The foregoing certificate of I. C. Harrington a Notary Public of Swain County, North Carolina, attested by his official seal, is adjudged to be correct. Let the instrument, and the certificate be registered.

Witness my hand this 24 day of April, A.D., 1944.

H. J. Truett  
Clerk Superior Court

Filed for registration on the 24 day of April, 1944, at 10:00 o'clock A. M., and registered in the office of the Register of Deeds for Swain County, N. C., 24 day of April 1944, at 4:30 o'clock P. M., in Book 68 of Deeds, and Page 627, etc.

*D. R. Welch*  
D. R. Welch, Deputy Register of Deeds,  
Swain Co., N.C.

STATE OF NORTH CAROLINA  
SWAIN COUNTY

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TENNESSEE VALLEY AUTHORITY  
WARRANTY DEED

Tract No. FR-1062  
Map No. 35 R. 1

(DOCUMENTARY STAMPS \$3.30 attached.)

This Deed, Made this 10th day of April, 1944, by and between Roxie McClure, unmarried; Jack Kirkland and wife,

Roxie K. Kirkland; Clifford Calhoun and wife, Annie Kirkland Calhoun; Joseph H. McClure and wife, Nola McClure, Swain County, North Carolina; Etta Kirkland, unmarried, Summers County, West Virginia; and Hubert D. Fleming and wife, Minnie Kirkland Fleming, Cabamus County, 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 Two Thousand Eight Hundred Forty-one and 54/100 Dollars (\$2,841.54) 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 68/84 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 Forneys Creek Township of Swain County, State of North Carolina, on the right side of the Little Tennessee River, at the confluence of the Little Laurel Creek and the Indian Camp Creek tributaries of Chambers Creek, and more particularly described as follows:

BEGINNING at a 12 inch white oak tree at the top of Bear Pen Ridge, a corner of the lands of Albert Henely, Harve Dills, and the Bryson City Bank, and the most westerly point of the tract herein described; thence with the Bank's line and with a hacked line for the first 1990 feet N. 54° 00' E., 3510 feet, passing a 36 inch chestnut tree at 1990 and crossing Little Laurel Creek at approximately 2030 feet, to a point; thence S. 37° 00' E., 330 feet to a point; thence N. 43° 30' E., 1000 feet, crossing Indian Camp Creek at approximately 980 feet, to a hickory stump; thence S. 44° 00' E., 1540 feet to a point at the top of Trail Ridge, a corner of the lands of the Bryson City Bank, 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 southerly direction approximately 1730 feet to a point; thence, leaving the ridge, S. 43° 30' W., 870 feet to a point in the center line of Little Laurel Creek at the mouth of an unnamed branch; thence with the center line of the branch as it meanders upstream approximately along the following bearings and distances: S. 86° 00' W., 1120 feet, S. 56° 00' W., 440 feet, S. 13° 30' E., 650 feet to a point; thence, leaving the branch, S. 68° 00' W., 240 feet to a point at the top of Bear Pen Ridge, a corner of the lands of the D. G. Fisher Heirs, and the W. M. Kirkland Heirs; thence with the W. M. Kirkland Heirs', and Albert Henely's line and the top of the ridge as it meanders in a northwesterly direction approximately 3340 feet, passing a stone at approximately 1020 feet, to the point of beginning, and containing 259. acres, more or less, subject to such rights as may be vested in the county or state to rights of way for a public 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.

Being the property acquired by the first parties hereto by inheritance from W. J. McClure and by virtue of the following deeds of record in the office of the Register of Deeds for Swain County, North Carolina: (1) deed executed by W. H. Proctor et al, dated September 22, 1942, Deed Book 66, page 567; (2) deed executed by A. C. Proctor et al, dated September 22, 1942, Deed Book 65, page 25; and (3) deed executed by George H. Chambers et al, dated April 30, 1943, Deed Book 66, page 569.

It is understood and agreed that the first parties hereto grant and convey the above described tract of land subject to an undivided 1/2 interest in the minerals outstanding in third parties, under reservations contained in the deeds recorded in Deed Book 4, page 539; Deed Book 19, page 451; Deed Book 19, page 455; and Deed Book 31, page 522, in the office of the Register of Deeds of Swain County, North Carolina. And the first parties hereto, 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 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 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.

Roxie McClure (Seal)  
Roxie McClure

Jack Kirkland (Seal)  
Jack Kirkland

Roxie K. Kirkland (Seal)  
Roxie K. Kirkland

Clifford Calhoun (Seal)  
Clifford Calhoun

Annie Kirkland Calhoun (Seal)  
Annie Kirkland Calhoun

Joseph H. McClure (Seal)  
Joseph H. McClure

Nola McClure (Seal)  
Nola McClure

Etta Kirkland (Seal)  
Etta Kirkland

Hubert D. Fleming (Seal)  
Hubert D. Fleming

Minnie Kirkland Fleming (Seal)  
Minnie Kirkland Fleming

STATE OF NORTH CAROLINA  
SWAIN COUNTY

I, Will W. Wiggins, a Notary Public for said County and State, do hereby certify that Roxie McClure, unmarried; Jack Kirkland and wife, Roxie K. Kirkland; Clifford Calhoun and wife, Annie Kirkland Calhoun; and Joseph H. McClure and wife, Nola McClure, personally appeared before me this day and acknowledged the due execution of the foregoing instrument; and the said Roxie K. Kirkland, Annie Kirkland Calhoun and Nola McClure, wives of Jack Kirkland, Clifford Calhoun, and Joseph H. McClure, 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 21 day of April, A.D., 1944.

(Seal affixed) My commission expires: February 20, 1946.

Will W. Wiggins, Notary Public

STATE OF NORTH CAROLINA  
CABAMUS COUNTY

I, T. M. Alexander, a Notary Public for said County and State, do hereby certify that Hubert D. Fleming and wife, Minnie Kirkland Fleming, personally appeared before me this day and acknowledged the due execution of the foregoing instrument; and the said Minnie Kirkland Fleming, wife of Hubert D. Fleming, 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 17th day of April, A.D., 1944.

(Seal affixed) My commission expires: March 15, 1945.

T. M. Alexander, Notary Public

STATE OF WEST VIRGINIA  
SUMMERS COUNTY

I, Irene B. Wilkinson, a Notary Public in and for the State and County aforesaid, do hereby certify that Etta Kirkland, unmarried, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

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

(Seal affixed) My commission expires: Sept. 27, 1947

Irene B. Wilkinson, Notary Public

STATE OF NORTH CAROLINA  
SWAIN COUNTY

The foregoing certificates of Will W. Wiggins, a Notary Public of Swain County, North Carolina; T. M. Alexander a Notary Public of Cabamus County, North Carolina; and Irene B. Wilkinson, a Notary Public of Summers County, West Virginia, attested by their official seals, are adjudged to be correct. Let the instrument, and the certificates, be registered.

Witness my hand this 24 day of April, A.D., 1944.

Filed for registration on the 24 day of April, 1944, at 10:00 o'clock A. M., and registered in the office of the Register of Deeds for Swain County, N. C., 25 day of April, 1944, at 10:30 o'clock A. M. in Book 68, of Deeds, and Page 627, etc.

H. J. Truett, Clerk Superior Court  
D.R. Welch, Deputy Reg. of Deeds