

STATE OF NORTH CAROLINA
SWAIN COUNTY

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

(DOCUMENTARY STAMPS \$1.10 attached)

This Deed, Made this 2nd day of June, 1944, by and between Texas Cole, individually, Texas Cole, guardian of Emeline Birdell Cole and Caro Lee Cole, Otis Quincey Cole, by Texas Cole, his attorney in fact, Wade B. Cole, by Texas Cole, his attorney in fact, William Hampton Cole and wife, Julia Cole, James M. Cole and wife, Carrie T. Cole, Jessie L. Cole and wife, Margaret M. Cole, Sarah E. Cole, unmarried, Thomas C. Cole and wife, Catherine Cole, Franklin P. Cole and wife, Lula M. Cole, all of the County of Jackson and State of North Carolina; Henry H. Cole and wife, Maggie M. Cole, of the County of Macon and State of North Carolina; Nellie Cole Tipton and husband, Noah Tipton, William C. Cole and wife, Margaret M. Cole, John C. Cole and wife, Ruth W. Cole, all of the County of Swain and State of North Carolina; Etta Cole, unmarried, Martha P. Rigdon, and John M. Rigdon, her husband, Minnie Cole Ervin and Bryant Ervin, her husband, Bryson Cole and Eula Cole, his wife, all of the County of Rutherford 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 Five Hundred Eighty three & 80/100 Dollars (\$583.80) 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 105/120 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 Tuckasegee River, approximately 1/2 mile north of the mouth of Forney Creek, and more particularly described as follows:

Beginning at a 6 inch spanish oak tree at the top of a ridge, a corner of the lands of W. H. Cole, and Texas Cole, and the most northwesterly point of the tract herein described; thence with Texas Cole's line S. 83° 00' E., 940 feet to a point, a corner of the lands of Texas Cole, and the Nantahala Power & Light Company; thence with the Company's line along the following bearings and distances:

S. 38° 00' E., 110 feet to a point (prev. desc. as a pipe); S. 6° 30' W., 498 feet to a point (prev. desc. as a pipe); S. 16° 00' E., 138 feet to a point (prev. desc. as a pipe); S. 17° 00' W., 317 feet to a point (prev. desc. as a pipe); S. 4° 30' W., 390 feet to a point (prev. desc. as a pipe); S. 37° 00' W., 262 feet to a point (prev. desc. as a pipe); S. 0° 30' E., 227 feet to a point (prev. desc. as a pipe); S. 23° 00' E., 255 feet to a point (prev. desc. as a pipe); S. 24° 30' W., 44 feet to a 20 inch chestnut tree; N. 85° 00' W., 400 feet to a point (prev. desc. as a 10 inch chestnut tree); N. 56° 00' W., 280 feet to a 10 inch white oak tree; N. 89° 30' W., 284 feet to a point (prev. desc. as a post) at the top of a ridge, a corner of the lands of the Nantahala Power & Light Company, 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:

N. 6° 00' E., 1350 feet; N. 23° 00' E., 310 feet; N. 20° 00' W., 390 feet to the point of beginning, and containing 44.0 acres, more or less, subject to such rights as may be vested in the county or state to rights of way for public roads.

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 the grantors herein as the widow and heirs at law of W. B. Cole, deceased, who was seized of said tract of land by virtue of a deed from James M. Parris and wife dated February 16, 1878, registered in Book 7, page 159, and a deed from J. R. Buchanan and wife dated November 19, 1886, registered in Book 13, page 621, Register of Deeds Office of Swain County, North Carolina.

It is understood and agreed that this deed is executed on behalf of Otis Quincey Cole and Wade B. Cole, by Texas Cole as attorney in fact, each of whom own an undivided one-eleventh (1/11) interest in fee simple of the tract of land above described, subject to unassigned dower of Texas Cole therein, upon condition that before their respective shares of the consideration is paid to their said attorney in fact, satisfactory evidence is furnished that at the time of the execution of this deed said principals are alive; but in event it develops that either or both are not living at the time of the execution hereof by said Texas Cole,

attorney in fact, the amount or amounts due such deceased principal, subject to the cash value of the unassigned dower of Texas Cole therein, shall be distributed to their heirs at law, as the case may be; and, in such event, this conveyance is specifically intended to carry all the right, title and interest of the grantors herein as heirs at law of W. B. Cole and also as the heirs at law of Otis Quincey Cole and/or Wade B. Cole in said tract of land.

Texas Cole, guardian of Emeline Birdell Cole and Caro Lee Cole, joins in this conveyance as such guardian by virtue and direction of the decree in Sprcial Proceedings styled "In the Matter of Emeline Birdell Cole and Caro Lee Cole, minors, by their guardian, Texas Cole" entered in Special Proceedings Docket 4, page 588, Office of the Clerk of the Superior Court of Swain County, North Carolina, hereby acknowledging receipt of the consideration therein shown for the undivided one-eleventh (1/11) interest each of said minors inherited from W. B. Cole, deceased.

Texas Cole, individually, joins in the execution of this instrument to convey her unassigned dower interest as surviving widow of W. B. Cole, deceased; and Etta Cole, individually, joins in the execution of this instrument to convey her unassigned dower interest as surviving widow of Columbus Marion Cole, deceased.

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 the 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.

	Texas Cole (Seal)	Lula M. Cole (Seal)
	Texas Cole, individually	Lula M. Cole
	Texas Cole (Seal)	Henry H. Cole (Seal)
	Texas Cole, guardian of Emeline Birdell Cole and Caro Lee Cole	Henry H. Cole
	Otis Quincey Cole (Seal)	Maggie M. Cole (Seal)
	Otis Quincey Cole	Maggie M. Cole
	By: Texas Cole (Seal)	Nellie Cole Tipton (Seal)
	Texas Cole, attorney in fact	Nellie Cole Tipton
	Wade B. Cole (Seal)	Noah Tipton (Seal)
	Wade B. Cole	Noah Tipton
	By: Texas Cole (Seal)	William C. Cole (Seal)
	Texas Cole, attorney in fact	William C. Cole
	William Hampton Cole (Seal)	Margaret M. Cole (Seal)
	William Hampton Cole	Margaret M. Cole
	her	John C. Cole (Seal)
	Julia X Cole (Seal)	John C. Cole
Witness to signature by mark of Julia Cole:	Julia Cole	Ruth W. Cole (Seal)
	James M. Cole (Seal)	Ruth W. Cole
Clarence P. Garrett, Bryson City, N. C.	James M. Cole	Etta Cole (Seal)
	Carrie T. Cole (Seal)	Etta Cole
James Denman, Bryson City, N. C.	Carrie T. Cole	Martha P. Rigdon (Seal)
	Jessie L. Cole (Seal)	Martha P. Rigdon
	Jessie L. Cole	John M. Rigdon (Seal)
	Margaret M. Cole (Seal)	John M. Rigdon
	Margaret M. Cole	Minnie Cole Ervin (Seal)
	Sarah E. Cole (Seal)	Minnie Cole Ervin
	Sarah E. Cole	Bryant Ervin (Seal)
	Thomas C. Cole (Seal)	Bryant Ervin
	Thomas C. Cole	Bryson Cole (Seal)
Witnesses as to signature by mark of Catherine Cole:	her	Bryson Cole
	Catherine X Cole (Seal)	Eula Cole (Seal)
James Denman, Bryson City, N.C.	Catherine Cole	Eula Cole
	Franklin P. Cole (Seal)	
Zack C. Cole, Whittier, R.1, N.C.	Franklin P. Cole	

STATE OF NORTH CAROLINA
JACKSON COUNTY

I, James Denman, a Notary Public for Clay County, North Carolina, authorized to act in all counties of North Carolina under Section 3176, C. S., do hereby certify that Texas Cole, attorney in fact for Otis Quincey Cole and Wade B. Cole, personally appeared before me this day, and by me duly sworn, says that she executed the foregoing and annexed instrument for and in behalf of Otis Quincey Cole and Wade B. Cole, and that her authority to execute and acknowledge said instrument is contained in two instruments duly executed, acknowledged and recorded in the office of the Register of Deeds, Swain County, North Carolina, on the 3rd day of May, 1944, in Deed Book 69, pages 1 and 2, and that this instrument was executed under and by virtue of the authority given by said instruments granting her power of attorney; that the said Texas Cole acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said Otis Quincey Cole and Wade B. Cole.

Witness my hand and official seal, this 5th day of June, A.D., 1944.

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

James Denman, Notary Public

STATE OF NORTH CAROLINA
JACKSON COUNTY

I, James Denman, a Notary Public for Clay County, North Carolina, qualified to act in all counties of North Carolina under Section 3176, C.S., do hereby certify that Texas Cole, individually, Texas Cole, guardian of Emeline Birdell Cole and Caro Lee Cole; William Hampton Cole and Julia Cole, his wife; Jame M. Cole and Carrie T. Cole, his wife; Jessie L. Cole and Margaret M. Cole, his wife; Sarah E. Cole, unmarried; Thomas C. Cole and Catherine Cole, his wife; Franklin P. Cole and Lula M. Cole, his wife, personally appeared before me this day and acknowledged the due execution of the foregoing instrument; and the said Julia Cole, Carrie T. Cole, Margaret M. Cole, Catherine Cole and Lula M. Cole, wives of William Hampton Cole, James M. Cole, Jessie L. Cole, Thomas C. Cole and Franklin P. Cole, 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.

Witness my hand and official seal this 6th day of June, A.D., 1944.

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

James Denman, Notary Public

STATE OF NORTH CAROLINA
SWAIN COUNTY

I, James Denman, a Notary Public for Clay County, North Carolina, qualified to act in all counties of North Carolina under Section 3176, C.S., do hereby certify that Nellie Cole Tipton and Noah Tipton, her husband, William C. Cole and Margaret M. Cole, his wife; John C. Cole and Ruth W. Cole, his wife; personally appeared before me this day and acknowledged the due execution of the foregoing instrument; and the said Nellie Cole Tipton, Margaret M. Cole and Ruth W. Cole, wives of Noah Tipton, William C. Cole and John C. Cole, 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.

Witness my hand and official seal this 7th day of June, A.D., 1944.

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

James Denman, Notary Public

STATE OF NORTH CAROLINA
MACON COUNTY

I, James Denman, a Notary Public for Clay County, North Carolina, qualified to act in all counties of North Carolina under Section 3176, C. S., do hereby certify that Henry H. Cole and Maggie M. Cole, his wife, personally appeared before me this day and acknowledged the due execution of the foregoing instrument; and the said Maggie M. Cole, wife of Henry H. Cole, 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 6th day of June, A.D., 1944.

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

James Denman, Notary Public

STATE OF NORTH CAROLINA
RUTHERFORD COUNTY

I, James Denman, a Notary Public for Clay County, North Carolina, qualified to act in all counties of North Carolina under Section 3176, C. S., do hereby certify that Etta Cole, unmarried, Martha P. Rigdon and husband, John M. Rigdon, Minnie Cole Ervin and husband Bryant Ervin, Bryson Cole and wife, Eula Cole, personally appeared before me this day and acknowledged the due execution of the foregoing instrument, and the said Martha P. Rigdon, Minnie Cole Ervin and Eula Cole, wives of John M. Rigdon, Bryant Ervin and Bryson Cole, 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.

Witness my hand and official seal this 14 day of June, 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 James Denman, a Notary Public of Clay County, North Carolina, attested by his official seal, are adjudged to be correct. Let the instrument, and the certificates be registered.

Witness my hand this 15 day of June, A.D., 1944.

H. J. Truett, Clerk Superior Court

Filed for registration on the 15 day of June, 1944, at 4:53 o'clock P. M., and registered in the office of the Register of Deeds for Swain County, N. C., 17 day of June, 1944, at 4:45 o'clock P. M., in Book 67 of Deeds, and Page 486, etc.

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

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

FR-454
Vol. No. 44-116581

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

No. 522

v.

HARLEY N. BALLEW
ZENIA JONES BALLEW, his wife
Respondents

DECLARATION OF TAKING

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, c. 307, 40 U. S. C. A. sec. 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-454

A tract of land lying in Forneys Creek Township of Swain County, State of North Carolina, on the right side of Hazel Creek, approximately 1000 feet northeast of the State Highway No. 288 bridge across Hazel Creek, and more particularly described as follows:

Beginning at a point in a fence line, a corner of the lands of the Hazel Creek Land Company, Grady Hall, Ollie Hall & the Hazel Creek Land Company, and Bill Cable et ux, and the most northeasterly point of the tract herein described; thence with Bill Cable's line and a fence line S. 7° 00' W., 665 feet to a fence corner; thence S. 72° 00' W., 100 feet to a point; thence, leaving the fence line, S. 14° 00' E., 210 feet, crossing a road at approximately 140 feet, to a point in the north right of way line of the abandoned Smoky Mountain Railway, a corner of the lands of Bill Cable et ux, and J. G. Stikeleather et al; thence with J. G. Stikeleather's line and the right of way line as it meanders in a general westerly direction approximately 620 feet to a point, a corner of the lands of J. G. Stikeleather et al, and L. C. Calhoun; thence with L. C. Calhoun's line, leaving the right of way line, N. 13° 00' W., 410 feet,