

## TENNESSEE VALLEY AUTHORITY WARRANTY DEED

Map No. 15 R.7

STATE OF NORTH CAROLINA—SWAIN COUNTY

THIS DEED, Made this 6th day of June, 1944, by and between WALTER B. COLE, unmarried, U. S. Army,

ETTA COLE, unmarried, of the County of Rutherford, State of North Carolina, and TEXAS COLE, unmarried,

of the County of Jackson 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 SIXTEEN AND 68/100 Dollars (\$ 16.68) 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 1/10 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 Tuokasegee 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. Parrie 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, 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 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.

(Seal)	(Seal)	Walter B. Cole	(Seal)
(Seal)	(Seal)	Walter B. Cole	(Seal)
(Seal)	(Seal)	Etta Cole	(Seal)
(Seal)	(Seal)	Etta Cole	(Seal)
(Seal)	(Seal)	Texas Cole	(Seal)
(Seal)	(Seal)	Texas Cole	(Seal)

STATE OF NORTH CAROLINA - JACKSON COUNTY

I, James Denman, a Notary Public in and for Clay County, North Carolina, do hereby certify that Texas Cole and Etta Cole, both unmarried, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. I further certify that I am qualified to act in all counties of North Carolina under Section 3176, N. C. Code. WITNESS my hand and official seal this 6th day of June, A. D., 1944.

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

James Denman, Notary Public

On this the 18 day of July, 1944, before me, James O. Freese, the undersigned officer, personally appeared Walter Cole, known to me to be serving in or with the armed forces of the United States and to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein stated. And the undersigned does further certify that he is at the date of this certificate a commissioned officer of the rank stated below and is in the active service of the armed forces of the United States.

James O. Freese Capt. 44th F.A. BM.  
Signature of Officer Rank of Officer, and  
command to which attached.

STATE OF NORTH CAROLINA - SWAIN COUNTY

The foregoing certificates of James Denman, a Notary Public of Clay County, N. C., and James O. Freese, a Captain of United States Army and attested by official seal of James Denman are adjudged to be correct. Let the instrument, and the certificates, be registered. WITNESS my hand this 31st day of July, A. D., 1944. H. J. Truett, Clerk Superior Court

Filed for registration on the 31 day of July, 1944, at 4:05 o'clock, P. M., and registered in the office of the Register of Deeds for Swain County, North Carolina, 31 day of July, 1944, at 3:30 o'clock P. M. in Book 67 of Deeds, and Page 242, etc.

D. R. Welch, Deputy Register of Deeds.  
Swain County, North Carolina