

Filed for registration on the 16th day of August, 1943, at 2:40 o'clock, P.M., and registered in the office of the Register of Deeds for Swain County, N. C., 17 day of August, 1943, at 9:35 o'clock A. M. in Book 68 of Deeds, and Page 4, etc.

DRP Welch
Deputy Register of Deeds, Swain County, N. C.

TENNESSEE VALLEY AUTHORITY

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

Tracts No. FR-366, 542, 783,
799, 847, 895.

Maps No. 13 R.1, 6 R.2,
25-1 R. 3, 17 R.,
15 R. 4 & 15 R. 4.

STATE OF NORTH CAROLINA)
)
COUNTY OF SWAIN)

THIS DEED, Made this 16 day of August, 1943, by and between THE BOARD OF EDUCATION OF SWAIN COUNTY, a corporation organized and existing under and by virtue of the laws of the State of North Carolina, of the County of Swain and State of North Carolina, as party of the first part, and the UNITED STATES OF AMERICA as party of the second part:

WITNESSETH:

THAT, WHEREAS, at a meeting of THE BOARD OF EDUCATION OF SWAIN COUNTY duly called and held on the 27th day of May, 1943, a resolution was unanimously passed and adopted, finding that the school properties hereinafter described and conveyed, by reason of the construction of Fontana Dam by the Tennessee Valley Authority; and that said school properties, hereinafter fully described, would thereupon become unnecessary for school purposes, and authorizing S. W. Black, Chairman of said Board, to advertise and sell said properties pursuant to the requirements and provisions of Section 5470 (a) of the North Carolina Code of 1939; and

WHEREAS, in accordance with said resolution, the said S. W. Black, Chairman as aforesaid, did advertise said lands for sale pursuant to said resolution and to the requirements of law, and offered the same for sale at public auction at the courthouse door in Bryson City, North Carolina, on Monday, the 19th day of July, 1943, at 12 o'clock noon, being the time and place fixed in said advertisement, where and when the Tennessee Valley Authority, acting for and on behalf of the United States of America, became the last and highest bidder for said properties at the price of Nine Thousand Five Hundred Seventy-Five Dollars (\$9,575.00); and

WHEREAS, said sale was duly reported into the office of the Clerk of the Superior Court of Swain County, North Carolina, on the 19th day of July, 1943, as provided by law; and

WHEREAS, no raise or advanced bid was made or filed within the time allowed by law therefor; and

WHEREAS, by resolution of THE BOARD OF EDUCATION OF SWAIN COUNTY duly passed and adopted at a meeting duly called and held on the 2nd day of August, 1943, said price of Nine Thousand Five Hundred Seventy-Five Dollars (\$9,575.00) was accepted, and said sale was approved in accordance with the terms and provisions of a certain contract and agreement presented to THE BOARD OF EDUCATION OF SWAIN COUNTY, which contract was executed by THE BOARD OF EDUCATION OF SWAIN COUNTY on the 30th day of June, 1943; and

WHEREAS, S. W. Black, Chairman of said Board as aforesaid, and W. L. Lathan, Secretary to THE BOARD OF EDUCATION OF SWAIN COUNTY, were, by said resolution, authorized and directed to execute and deliver to the United States of America, a good and sufficient warranty deed, conveying to said United States of America said lands hereinafter described in fee upon the payment to the said THE BOARD OF EDUCATION OF SWAIN COUNTY, the purchase price provided for in said contract.

NOW, THEREFORE, in consideration of the premises and pursuant to the authority of Section 5470 (a) of the North Carolina Code of 1939, and in consideration of said sum of Nine Thousand Five Hundred Seventy-Five (\$9,575.00) cash to it in hand paid by the said party of the second part, receipt of which is hereby acknowledged, the party of the first part by these presents does grant, bargain, sell and convey unto the UNITED STATES OF AMERICA, its successors and assigns, certain tracts or parcels of land situate lying and being in Swain County, State of North Carolina, and more particularly described as follows, to wit:

FIRST TRACT: (Designated by the Tennessee Valley Authority on its maps as FR-366)

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 1/2 mile west of the Bushnell Depot, and more particularly described as follows:

BEGINNING at a fence corner, a corner of the lands of Elizabeth Welch, and the Georgia Industrial Realty Company; thence with the said Company's line South 15° 00' West, 575 feet to a point; thence North 84° 00' West, 289 feet, crossing a public road at approximately 200 feet, to a point (prev. desc. as a pipe), a corner of the lands of the Georgia Industrial Realty Company, Elizabeth Welch, and the Nantahala Power & Light Company; thence with the Nantahala Power & Light Company's line North 38° 00' East, 500 feet, crossing a public road at approximately 160 feet, to a point (prev. desc. as a pipe); thence North 26° 00' East, 130 feet to a stake, a corner of the lands of the Nantahala Power & Light Company, and Elizabeth Welch; thence with Elizabeth Welch's line North 66° 00' East, 70 feet to the point of beginning, and containing 1.9 acres, more or less, subject to such rights as may be vested in the county or state to a road which affects approximately 0.2 acre.

SECOND TRACT: (Designated by the Tennessee Valley Authority on its maps as FR-542)

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 3/8 mile north of Calhoun Island, and more particularly described as follows:

BEGINNING at a point in the center line of State Highway No. 288 and in the center line of Mill Branch at a culvert, a corner to the land of the Nantahala Power & Light Company; thence with the said Company's line and the center line of the branch as it meanders upstream approximately 305 feet to a point; thence, leaving the branch, North 59° 00' East, 303 feet, passing a stone at 5 feet, to a point; thence South 18° 30' East, 166 feet to a point in the center line of State Highway No. 288; thence with the center line of the highway in a southwesterly direction approximately 185 feet to the point of beginning, and containing 1.1 acres, more or less, subject to such rights as may be vested in the county or state to State Highway No. 288 which affects approximately 0.1 acre.

THIRD TRACT: (Designated by the Tennessee Valley Authority on its maps as FR-783)

A tract of land lying in Nantahala Township of Swain County, State of North Carolina, approximately 1050 feet northeast of the Almond Post Office, and more particularly described as follows:

BEGINNING at a stake, a corner of the lands of the Nantahala Power & Light Company, and L. F. Sawyer; thence with L. F. Sawyer's, the Nantahala Power & Light Company's, and James Beard's line North 17° 00' East, 294 feet to a point; thence with James Beard's line North 72° 00' West, 18 feet to a point, a corner of the lands of James Beard, and the Nantahala Power & Light Company; thence with the said Company's line North 18° 00' East, 31 feet to a point, a corner of the lands of the Nantahala Power & Light Company, and Kitty Ovitt; thence with Kitty Ovitt's line South 62° 00' East, 372 feet to a point, a corner of the lands of Kitty Ovitt, and J. W. Beard; thence with J. W. Beard's line South 9° 00' West, 92 feet to a point, a corner of the lands of J. W. Beard, and Lula McHan; thence with Lula McHan's line South 2° 00' West, 34 feet to a point; thence South 6° 00' East, 15 feet to a point, a corner of the lands of Lula McHan, and the Nantahala Power & Light Company; thence with the said Company's line South 83° 00' West, 291 feet to a point; thence North 71° 00' West, 123 feet to the point of beginning, and containing 2.10 acres, more or less, subject to such rights as may be vested in third parties to a grave located on the described land.

FOURTH TRACT: (Designated by the Tennessee Valley Authority on its maps as FR-799)

A tract of land lying in Charleston Township of Swain County, State of North Carolina, on the right bank of the Tuckasegee River, approximately 1-1/2 miles northeast of the mouth of Noland Creek, and more particularly described as follows:

BEGINNING at a stake, a corner to the land of the Nantahala Power & Light Company, and the most southerly point of the tract herein described; thence with the Company's line and a line 10 feet northeast of and parallel to the right bank of the river as it meanders downstream approximately 105 feet to a birch stump; thence North 39° 00' East, 149 feet, passing a black oak stump at 38 feet, to a point in the center line of the Southern Railway; thence with the center line of the railway South 46° 00' East, 103 feet to a point; thence, leaving the railway, South 40° 00' West, 142 feet to the point of beginning, and containing 0.3 acre, more or less, subject to such rights as may be vested in the Southern Railway Company to a railroad right of way which affects approximately 0.2 acre, and to such rights as may be vested in third parties to telephone and telegraph line rights of way.

FIFTH TRACT: (Designated by the Tennessee Valley Authority on its maps as FR-847)

A tract of land lying in Forneys Creek Township of Swain County, State of North Carolina, on the left side of Forney Creek, approximately 1-3/8 miles north of its mouth, and more particularly described as follows:

BEGINNING at a stone, a corner to the land of the Nantahala Power & Light Company, and the most northerly point of the tract herein described; thence with the Company's line South 23° 30' East, 226 feet to a dogwood stump; thence South 78° 14' West, 268 feet to a stone; thence North 10° 45' West, 210 feet to a locust stump; thence North 75° 30' East, 220 feet to the point of beginning, and containing 1.2 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.

SIXTH TRACT: (Designated by the Tennessee Valley Authority on its maps as FR-895)

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 1-1/4 miles east of Bushnell, and more particularly described as follows:

BEGINNING at an iron pin, a corner of the lands of W. T. Cole, and the Forney Creek Baptist Church; thence with the said Church's line North 86° 00' West, 230 feet to a point in the center line of the Southern Railway, a corner of the lands of the Forney Creek Baptist Church, and John R. L. Cole et ux; thence with John R. L. Cole's line and the center line of the railway in a northwesterly direction approximately 255 feet to a point, a corner of the lands of John R. L. Cole et ux, and the Nantahala Power & Light Company; thence, leaving the railway, with the Company's line South 84° 30' East, 400 feet, crossing State Highway No. 288 at approximately 85 feet, to a point (previously described as a pipe); thence with the said Company's, George Monteith's, and W. T. Cole's line South 2° 30' West, 176 feet, passing iron pipes at 43 feet and 109 feet, to the point of beginning, and containing 1.3 acres, more or less, subject to such rights as may be vested in the county or state to State Highway No. 288, and to such rights as may be vested in the Southern Railway Company to a railroad right of way which affects approximately 0.3 acre.

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' West.

Being the property conveyed to the party of the First Part by the following deeds of record in the Register's Office of Swain County, North Carolina: (1) deed from Georgia Industrial Realty Company, dated September 8, 1915, recorded in Book 41, Page 361, (2) deed from Tallassee Power Company, dated November __, 1923, recorded in Book 51, Page 397, (3) deed from Robert C. Coffey and wife, Pollie Coffey, dated July 10, 1911, recorded in Book 37, Page 56, (4) deed from T. M. Howerton et ux, et al, dated August 20, 1912, recorded in Book 38, Page 460, (5) decree in condemnation proceeding dated September 26, 1903, recorded in Special Proceeding Docket No. 4, Page 435, and (6) deed from Norwood Lumber Company, dated June 28, 1918, recorded in Book 46, Page 74.

It is understood and agreed that the party of the First Part grants and conveys the above described tracts of land subject to such right, title, and interest in and to the minerals as may be outstanding in third parties by: (a) conveyance executed by W. F. Howell, dated June 2, 1906, recorded in Book 29, Page 320, (as to tract FR-542); (b) conveyance executed by J. R. Siler to T. P. Siler, dated May 5, 1874, recorded in Book 1, Page 157, (as to tract FR-783); and (c) conveyance executed by Shadrack Hyatt to E. Everett, dated May 28, 1883, recorded in Book 3, Page 572 (as to tract FR-799), in the office of the Register of Deeds for Swain County, North Carolina. And the party of the First Part, for the considerations herein set out, hereby conveys any and all right, title, and interest which it may now have or may hereafter have, in and to the minerals contained in the above described tracts of land by way of reversion, remainder, adverse possession, prescription, or otherwise.

The County of Swain, acting by and through the Board of Commissioners for the County of Swain, and in pursuance of a resolution duly adopted by the Board of Commissioners for the County of Swain on August 2, 1943, for a valuable consideration to it in hand paid, receipt of which is hereby acknowledged, joins in the execution of this deed for the purpose of conveying all its right, title, and interest in and to the first tract of land hereinabove described, designated by the Tennessee Valley Authority on its maps as tract FR-366.

TO HAVE AND TO HOLD the aforesaid tracts of 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 party of the first part, for itself, its successors and assigns, covenant with the said party of the second part, its successors and assigns that it is seized of said land and premises in fee, and has a right to convey the same in fee simple; that the same are free and clear from all encumbrances and that it will warrant and defend the title to same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said party of the first part has caused this instrument to be executed in its corporate name and its corporate seal to be hereunto affixed by its secretary, all by authority of said Board duly had and

given on the day, month and year first above written. And the County of Swain has caused this instrument to be executed in its corporate name and its corporate seal to be hereunto affixed by the chairman of the Board of Commissioners for the County of Swain, all by authority of said Board duly had and given on the day, month and year first above written.

ATTEST:

s/ W. L. Lathan (SEAL)
W. L. Lathan, Secretary

(COUNTY BOARD OF EDUCATION SEAL)

THE BOARD OF EDUCATION OF SWAIN COUNTY

By /s/ S. W. Black, Chairman (SEAL)
S. W. Black, Chairman

ATTEST:

s/ D. R. Welch (SEAL)
D. R. Welch, Clerk of the
Board of Commissioners for the
County of Swain

(SEAL AFFIXED)

THE COUNTY OF SWAIN

By /s/ R. D. Estes (SEAL)
R. D. Estes, Chairman
Board of Commissioners for the
County of Swain

STATE OF NORTH CAROLINA

SWAIN COUNTY

This 16th day of August, 1943, personally came before me, H. J. Truett, Clerk Superior Court for the State and County aforesaid, S. W. BLACK, Chairman of THE BOARD OF EDUCATION OF SWAIN COUNTY, who, being by me duly sworn, says that he is the Chairman of THE BOARD OF EDUCATION OF SWAIN COUNTY, and that the seal affixed to the foregoing instrument in writing is the corporate seal of the Corporation, and that said writing was signed and sealed by him, in behalf of said Corporation by its authority duly given. And the said S. W. BLACK, acknowledged the said writing to be the act and deed of said Corporation.

WITNESS my hand and official seal this 16 day of August, A. D., 1943.

(SEAL AFFIXED.)

H. J. Truett
Clerk Superior Court

STATE OF NORTH CAROLINA

SWAIN COUNTY

This 16 day of August, 1943, personally came before me, H. J. Truett, Clerk Superior Court, for the State and County aforesaid, R. D. ESTES, Chairman of the Board of Commissioners for the County of Swain, who, being by me duly sworn, says that he is the Chairman of the Board of Commissioners for the County of Swain, and that the seal affixed to the foregoing instrument in writing is the corporate seal of the County of Swain, and that said writing was signed and sealed by him, in behalf of said County of Swain by its authority duly given. And the said R. D. ESTES, acknowledged the said writing to be the act and deed of said County of Swain.

WITNESS my hand and official seal this 16 day of August, A. D., 1943.

(SEAL AFFIXED.)

H. J. Truett
Clerk Superior Court

STATE OF NORTH CAROLINA

SWAIN COUNTY

The foregoing certificates of H. J. Truett, Clerk Superior Court of Swain County, attested by his official seal, are adjudged to be correct. Let the instrument, and the certificates, be registered.

WITNESS my hand this 16 day of August, 1943.

H. J. Truett
Clerk of the Superior Court

Filed for registration on the 16th day of August, 1943, at 3:30 o'clock, P.M., and registered in the office of the Register of Deeds for Swain County, N. C., 17 day of August, 1943, at 11:35 o'clock A.M. in Book 68 of Deeds, and Page 6 etc.

H. J. Truett
Deputy Register of Deeds, Swain County, N. C.