

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.

D. Burlingame (Seal)  
D. Burlingame

Elmo Burlingame (Seal)  
Elmo Burlingame

STATE OF TEXAS  
COUNTY OF TARRANT

I, Ivy Cornelius, a Notary Public for said County and State, do hereby certify that D. Burlingame and Elmo Burlingame, his wife, personally appeared before me this day and acknowledged the due execution of the foregoing instrument; and the said Elmo Burlingame, wife of D. Burlingame, 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 4th day of April, A. D., 1944.

(Seal affixed)  
My commission expires: June 1945

Ivy Cornelius, Notary Public

STATE OF NORTH CAROLINA, SWAIN COUNTY

The foregoing certificate of Ivy Cornelius, a Notary Public in and for Tarrant County, Texas, is adjudged to be correct. Let the instrument, and the certificate, be registered.

Witness my hand this 19 day of May, A.D., 1944.

H. J. Truett  
Clerk Superior Court

Filed for registration on the 19 day of May, 1944, at 10:24 o'clock A. M., and registered in the office of the Register of Deeds for Swain County, N.C., 19 day of May, 1944, at 5:00 o'clock P. M. in Book 67 of Deeds, and Page 390, etc

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

GRANT OF FLOWAGE EASEMENT  
AND  
RELEASE FROM DAMAGES

Tract No. FR-442-F  
(DOCUMENTARY STAMPS \$275.00 attached)

This indenture, made and entered into this 12th day of May, 1944, by and between the North Carolina Exploration Company, a Corporation organized and existing under and by virtue of the laws of the State of Delaware (hereinafter called the "Grantor") and the United States of America (hereinafter called the "Grantee"),

Witnesseth: That for and in consideration of the sum of Two Hundred Fifty Thousand Dollars (\$250,000), cash in hand paid by the Tennessee Valley Authority, acting as agent for the United States of America, the receipt whereof is hereby acknowledged, the Grantor has this day bargained and sold and does hereby grant, bargain, sell, transfer and convey unto the Grantee and its assigns easement rights in and over the land hereinafter described, for the following uses and purposes:

(1) Over that portion of the following described land which lies below contour elevation 1715.63, Mean Sea Level (all elevations referred to herein being based upon Mean Sea Level as established by the Southeastern Supplementary Adjustment of 1936, U.S.C. & G.S.), and containing 389 acres, more or less:

(a) The right to overflow, flood and cover said hereinafter designated land with the flood, slack or backwater created by the erection and operation of Fontana Dam across the Little Tennessee River.

(b) The right to enter upon said land from time to time and prepare the reservoir area for impoundage of the water and clear and remove therefrom any timber or other natural growth and any obstructions, accumulations, trash, filth or any other thing which would interfere with navigation or flood control.

(c) Excepting use of the property for mining purposes, the right to prevent the draining or dumping into said reservoir of such other refuse, sewerage or other material not reasonably connected with mining operations which might tend to pollute the same.

(d) The right to enter upon said land and do such drainage and other work as in the discretion of the Authority may be necessary to carry out an adequate program of malaria control, including the maintenance of necessary patrols and the application of larvicides.

(e) The right to enter upon said land and do such dredging, excavating and other channel improvement

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.

D. Burlingame (Seal)  
D. Burlingame

Elmo Burlingame (Seal)  
Elmo Burlingame

STATE OF TEXAS  
COUNTY OF TARRANT

I, Ivy Cornelius, a Notary Public for said County and State, do hereby certify that D. Burlingame and Elmo Burlingame, his wife, personally appeared before me this day and acknowledged the due execution of the foregoing instrument; and the said Elmo Burlingame, wife of D. Burlingame, 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 4th day of April, A. D., 1944.

(Seal affixed)  
My commission expires: June 1945

Ivy Cornelius, Notary Public

STATE OF NORTH CAROLINA, SWAIN COUNTY

The foregoing certificate of Ivy Cornelius, a Notary Public in and for Tarrant County, Texas, is adjudged to be correct. Let the instrument, and the certificate, be registered.

Witness my hand this 19 day of May, A.D., 1944.

H. J. Truett  
Clerk Superior Court

Filed for registration on the 19 day of May, 1944, at 10:24 o'clock A. M., and registered in the office of the Register of Deeds for Swain County, N.C., 19 day of May, 1944, at 5:00 o'clock P. M. in Book 67 of Deeds, and Page 390, etc

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

GRANT OF FLOWAGE EASEMENT  
AND  
RELEASE FROM DAMAGES

Tract No. FR-442-F  
(DOCUMENTARY STAMPS \$275.00 attached)

This indenture, made and entered into this 12th day of May, 1944, by and between the North Carolina Exploration Company, a Corporation organized and existing under and by virtue of the laws of the State of Delaware (hereinafter called the "Grantor") and the United States of America (hereinafter called the "Grantee"),

Witnesseth: That for and in consideration of the sum of Two Hundred Fifty Thousand Dollars (\$250,000), cash in hand paid by the Tennessee Valley Authority, acting as agent for the United States of America, the receipt whereof is hereby acknowledged, the Grantor has this day bargained and sold and does hereby grant, bargain, sell, transfer and convey unto the Grantee and its assigns easement rights in and over the land hereinafter described, for the following uses and purposes:

(1) Over that portion of the following described land which lies below contour elevation 1715.63, Mean Sea Level (all elevations referred to herein being based upon Mean Sea Level as established by the Southeastern Supplementary Adjustment of 1936, U.S.C. & G.S.), and containing 389 acres, more or less:

(a) The right to overflow, flood and cover said hereinafter designated land with the flood, slack or backwater created by the erection and operation of Fontana Dam across the Little Tennessee River.

(b) The right to enter upon said land from time to time and prepare the reservoir area for impoundage of the water and clear and remove therefrom any timber or other natural growth and any obstructions, accumulations, trash, filth or any other thing which would interfere with navigation or flood control.

(c) Excepting use of the property for mining purposes, the right to prevent the draining or dumping into said reservoir of such other refuse, sewerage or other material not reasonably connected with mining operations which might tend to pollute the same.

(d) The right to enter upon said land and do such drainage and other work as in the discretion of the Authority may be necessary to carry out an adequate program of malaria control, including the maintenance of necessary patrols and the application of larvicides.

(e) The right to enter upon said land and do such dredging, excavating and other channel improvement

work as in the discretion of the Authority may be necessary, together with the right to erect and maintain beacons or other signal structures as aids to navigation.

(2) Over that portion of the following described land which lies between contour elevation 1715.63 and elevation 1722.63 and containing 10 acres, more or less, the right to temporarily overflow the land and store water during flood periods.

The land affected by the easement rights set forth above is located in Forneys Creek Township of Swain County, State of North Carolina, on the right bank of the Little Tennessee River, approximately 1 mile east of the Fontana Dam, and is more particularly described as follows:

Beginning at a 36 inch sycamore tree in the east boundary line of the land herein described, a corner of the lands of the Swain County Board of Education, and the Nantahala Power & Light Company; thence with the Company's line S. 26° 00' W., 210 feet to a point in the Little Tennessee River; thence with the river as it meanders downstream approximately 2210 feet to a point, a corner of the lands of the Nantahala Power & Light Company, and the J. E. Coburn Heirs; thence with the J. E. Coburn Heirs' line N. 16° 00' E., 210 feet to a point on the right bank of the river; thence N. 19° 00' W., 35 feet to a point in the south right of way line of the Carolina-Tennessee Southern Railway, a corner of the lands of the J. E. Coburn Heirs, and the Carolina-Tennessee Southern Railway Company; thence with the Railway Company's line and the right of way line in a southeasterly direction approximately 2200 feet to a point, a corner of the lands of the Carolina-Tennessee Southern Railway Company, and the Swain County Board of Education; thence with the Board's line at right angles to the right of way line of the railroad S. 35° 15' W., 50 feet to a point; thence parallel to the right of way line of the railroad S. 54° 45' E., 100 feet to the point of beginning.

Also, beginning at a point, a corner of the lands of the J. E. Coburn Heirs, and the Nantahala Power & Light Company, and the most southerly point of the parcel herein described; thence with the Company's line N. 53° 12' W., 1084 feet to a point in the center line of Myers Branch; thence with the center line of the branch as it meanders downstream approximately 160 feet to a point witnessed by a pipe and a 13 inch buckeye tree; thence, leaving the branch, N. 86° 46' W., 244 feet to a point; thence S. 35° 15' W., 70 feet to a point in the northeast right of way line of the Carolina-Tennessee Southern Railway, a corner of the lands of the Nantahala Power & Light Company, and the Carolina-Tennessee Southern Railway Company; thence with the Railway Company's line and the right of way line in a northwesterly direction approximately 2390 feet, crossing Eagle Creek at approximately 2100 feet, to a point, a corner of the lands of the Carolina-Tennessee Southern Railway Company, and the J. E. Coburn Heirs; thence with the J. E. Coburn Heirs' line N. 19° 00' W., 215 feet to a point; thence N. 64° 00' W., 90 feet to a point at the top of a ridge and in a line 300 feet from and parallel to the right bank of the Little Tennessee River, a corner of the lands of the J. E. Coburn Heirs, and the J. E. & Bland W. Coburn Heirs; thence with the J. E. & Bland W. Coburn Heirs' line and the top of the ridge as it meanders approximately along the following bearings and distances:

N. 47° 00' W., 670 feet; N. 23° 00' W., 460 feet to a point in the 1722.63 foot contour line; thence with the contour line and a severance line as it meanders in a general northerly direction along the west side of Eagle Creek, the said contour being defined approximately by the following bearings and distances, the contour, however, being the true severance line:

N. 24° 00' E., 210 feet; N. 51° 00' W., 70 feet; N. 14° 00' E., 60 feet; N. 71° 00' E., 100 feet; N. 45° 00' E., 155 feet; N. 41° 00' W., 60 feet; N. 4° 00' E., 140 feet; N. 21° 00' W., 195 feet; N. 3° 00' W., 230 feet; N. 24° 00' W., 110 feet; N. 29° 00' E., 305 feet; N. 38° 00' E., 270 feet; N. 50° 00' E., 190 feet; N. 17° 00' W., 140 feet; N. 73° 00' E., 140 feet; N. 14° 00' E., 145 feet; N. 57° 00' E., 110 feet; N. 77° 00' E., 255 feet; N. 59° 00' E., 170 feet; S. 52° 00' E., 135 feet; N. 89° 00' E., 155 feet; N. 15° 00' E., 145 feet; N. 41° 00' W., 85 feet; S. 83° 00' W., 80 feet; N. 57° 00' W., 170 feet; S. 51° 00' W., 170 feet; N. 57° 00' W., 270 feet; S. 65° 00' W., 150 feet; N. 56° 00' W., 85 feet; N. 28° 00' W., 150 feet; S. 80° 00' W., 90 feet; N. 35° 00' W., 95 feet; N. 76° 00' W., 110 feet; S. 81° 00' W., 120 feet; S. 45° 00' W., 120 feet; N. 33° 30' W., 410 feet to a point in the Bland W. Coburn Heirs' line, the said point being N. 65° 34' E., approximately 760 feet from the point in State Highway No. 288 and at the top of a ridge which is a common corner of the lands of the North Carolina Exploration Company, the J. E. & Bland W. Coburn Heirs, and the Bland W. Coburn Heirs; thence with the Bland W. Coburn Heirs' line N. 65° 34' E., 2370 feet, crossing the narrow gauge railroad of North Carolina Exploration Company at approximately 900 feet, to a point in the 1722.63 foot contour line; thence with the contour line and a severance line as it meanders in a general southerly direction east of Eagle Creek, the said contour being defined approximately by the following bearings and distances, the contour, however, being the true severance line:

S. 20° 00' W., 210 feet; S. 10° 00' W., 145 feet; S. 38° 00' E., 180 feet; S. 7° 00' W., 155 feet; S. 73° 30' W., 190 feet; S. 62° 00' E., 385 feet; S. 29° 00' E., 220 feet; S. 75° 00' E., 95 feet; N. 58° 00' E., 245 feet; N. 87° 30' E., 390 feet; S. 24° 30' W., 310 feet; S. 23° 00' E., 105 feet; S. 84° 00' W., 155 feet; S. 44° 30' W., 270 feet; S. 2° 00' W., 100 feet; S. 12° 00' E., 150 feet; S. 30° 00' W., 240 feet; S. 83° 00' E., 290 feet; S. 28° 00' E., 110 feet; S. 52° 00' W., 135 feet; S. 32° 00' E., 250 feet; S. 17° 00' W., 440 feet; N. 26° 30' E., 710 feet; N. 67° 00' E., 150 feet; N. 29° 00' E., 200 feet; S. 86° 00' E., 190 feet; S. 25° 00' W., 315 feet; S. 47° 00' E., 190 feet; S. 68° 00' W., 320 feet; S. 10° 00' W., 260 feet; S. 26° 00' E., 100 feet; S. 36° 30' W., 870 feet; S. 12° 00' W., 150 feet; S. 70° 00' E., 155 feet; S. 47° 00' E., 100 feet; S. 56° 00' W., 150 feet; S. 30° 00' W., 150 feet; N. 66° 00' E., 220 feet; S. 86° 00' E., 180 feet; S. 39° 00' W., 240 feet; S. 22° 00' E., 205 feet; S. 79° 00' W., 230 feet; S. 5° 00' E., 210 feet; S. 29° 00' E., 150 feet to a point in a line of the land in dispute between the W. L. Myers Heirs and the North Carolina Exploration Company; thence with the line claims by the W. L. Myers Heirs as their boundary line S. 70° 34' W., 40 feet to a point; thence S. 24° 06' E., 196 feet to a point in the 1722.63 foot contour line; thence with the contour line and a severance line as it meanders in a general westerly direction along the south side of a bend in Eagle Creek and subsequently in a general easterly direction along the north side of the Little Tennessee River, the said contour being defined approximately by the following bearings and distances, the contour, however, being the true severance line:

N. 74° 00' W., 95 feet; N. 24° 00' W., 190 feet; N. 60° 00' W., 400 feet; S. 37° 00' W., 185 feet; N. 50° 00' W., 215 feet; S. 68° 00' W., 170 feet; N. 70° 00' W., 245 feet; S. 2° 00' E., 180 feet; S. 43° 00' E., 110 feet; S. 82° 00' E., 380 feet; S. 9° 00' E., 200 feet; S. 73° 00' E., 440 feet; S. 56° 00' E., 620 feet to a point in Martha J. Myers' line; thence with Martha J. Myers' line S. 30° 51' W., 425 feet to a point; thence N. 89° 51' E., 956 feet to a point; thence N. 52° 21' E., 400 feet to a point in the 1722.63 foot contour line; thence with the contour line and a severance line as it meanders in a general southeasterly direction along the north side of the Little Tennessee River, the said contour being defined approximately by the following bearings and distances, the contour, however, being the true severance line:

S. 12° 00' W., 120 feet; S. 72° 00' W., 160 feet; S. 23° 00' W., 350 feet; S. 53° 00' E., 330 feet; N. 65° 00' E., 250 feet; S. 22° 00' E., 390 feet to a point in the J. E. Coburn Heirs' line; thence with the J. E. Coburn Heirs' line S. 54° 19' W., 360 feet to the point of beginning. Except, therefrom, 4.5 acres, more or less, comprising an island at a water elevation of 1722.63, the said island being more particularly described as follows: Beginning at a point in the 1722.63 foot contour, the said point being N. 47° 30' E., 1660 feet from the point at the top of a ridge and in a line 300 feet from and parallel to the right bank of the Little Tennessee River which is the common corner of the lands of the J. E. Coburn Heirs, the J. E. & Bland W. Coburn Heirs, and the North Carolina Exploration Company; thence with the contour and a severance line as it meanders around the shore of the island, the said contour being defined approximately by the following bearings and distances, the contour, however, being the true severance line:

N. 23° 00' W., 95 feet; N. 23° 00' E., 250 feet; N. 19° 00' W., 360 feet; S. 73° 00' E., 295 feet; N. 80° 00' E., 270 feet; S. 38° 00' W., 505 feet; S. 23° 00' W., 185 feet; S. 67° 00' W., 120 feet to the point of beginning.

Also, beginning at a point in the Bland W. Coburn Heirs' line and in the 1722.63 foot contour line, the said point being S. 24° 26' E., approximately 975 feet from the Chestnut stump and iron pin which is a common corner of the lands of the Bland W. Coburn Heirs, R. E. Wood, and the North Carolina Exploration Company; thence with the contour line and a severance line as it meanders in a general northeasterly direction along the west side of Eagle Creek, the said contour being defined approximately by the following bearings and distances, the contour, however, being the true severance line:

N. 2° 00' W., 140 feet; N. 27° 00' E., 220 feet; N. 63° 30' E., 275 feet; N. 5° 00' W., 130 feet; S. 79° 00' E., 125 feet; S. 55° 00' E., 240 feet; N. 76° 00' E., 130 feet; S. 75° 30' E., 220 feet; N. 75° 00' E., 220 feet; N. 8° 00' E., 165 feet; N. 87° 00' W., 130 feet; N. 35° 00' W., 190 feet; N. 3° 00' W., 320 feet; N. 21° 30' E., 350 feet to a point in R. E. Wood's line; thence with R. E. Wood's line N. 76° 01' E., 318 feet to a point in the center line of Eagle Creek near the mouth of Lost Cove Branch; thence with the center line of the creek as it meanders upstream approximately 1190 feet to a point in the 1722.63 foot contour line; thence with the contour line and a severance line as it meanders in a general southerly direction along the east side of Eagle Creek, the said contour being defined approximately by the following bearings and distances, the contour, however, being the true severance line:

S. 54° 00' E., 160 feet; S. 21° 00' W., 135 feet; S. 65° 00' W., 165 feet; N. 68° 00' W., 400 feet; S. 64° 00' W., 160 feet; S. 11° 00' W., 140 feet; S. 36° 00' W., 180 feet; S. 57° 00' W., 130 feet; S. 53° 00' E., 370 feet;

S. 8° 30' E., 230 feet; S. 24° 00' W., 280 feet; S. 53° 00' W., 245 feet; S. 74° 00' W., 480 feet; N. 89° 00' W., 235 feet; S. 54° 00' W., 190 feet; S. 69° 00' E., 250 feet; S. 79° 00' E., 185 feet; S. 64° 30' E., 420 feet; N. 79° 00' E., 225 feet; S. 81° 00' E., 340 feet; S. 68° 00' E., 410 feet; S. 40° 00' W., 415 feet; S. 21° 00' E., 330 feet; S. 83° 00' E., 290 feet; S. 60° 00' E., 290 feet; N. 25° 00' E., 465 feet; N. 47° 00' E., 90 feet; S. 13° 00' E., 350 feet; S. 42° 00' W., 145 feet; S. 1° 00' E., 220 feet; S. 50° 00' W., 110 feet; S. 34° 00' E., 140 feet; N. 69° 00' E., 680 feet; S. 66° 00' E., 90 feet; N. 71° 00' E., 170 feet; N. 16° 00' E., 190 feet; N. 26° 00' E., 120 feet; S. 27° 00' E., 250 feet; S. 73° 00' E., 125 feet; N. 74° 00' E., 160 feet; N. 53° 00' E., 290 feet; N. 62° 00' E., 300 feet; S. 76° 30' E., 220 feet; S. 58° 00' W., 190 feet; S. 45° 00' W., 305 feet; S. 59° 00' W., 240 feet; S. 42° 00' W., 465 feet; S. 3° 00' E., 245 feet; S. 77° 00' W., 335 feet; N. 74° 00' W., 350 feet; S. 84° 00' W., 280 feet; S. 56° 00' W., 380 feet; S. 30° 00' W., 375 feet; S. 2° 00' W., 155 feet; N. 85° 00' W., 130 feet; S. 12° 00' W., 155 feet; S. 87° 30' W., 295 feet to a point in the Bland W. Coburn Heirs' line; thence with the Bland W. Coburn Heirs' line N. 24° 26' W., 690 feet, crossing Eagle Creek at approximately 420 feet, to a point in the 1722.63 foot contour line; thence with the contour line and a severance line as it meanders in a general northerly direction along the west side of Eagle Creek, the said contour being defined approximately by the following bearings and distances, the contour, however, being the true severance line:

N. 76° 00' E., 275 feet; N. 12° 00' E., 110 feet; N. 35° 00' W., 195 feet; N. 14° 00' E., 55 feet; N. 59° 00' E., 105 feet; N. 42° 00' W., 325 feet; N. 60° 00' W., 100 feet; S. 71° 00' W., 160 feet; N. 58° 00' W., 220 feet to a point in the Bland W. Coburn Heirs' line; thence with the Bland W. Coburn Heirs' line N. 24° 26' W., 1059 feet to a point in the 1722.63 foot contour line; thence with the contour line and a severance line as it meanders first in a northeasterly and then in a northwesterly direction along the west side of Eagle Creek, the said contour being defined approximately by the following bearings and distances, the contour, however, being the true severance line:

N. 64° 00' E., 260 feet; N. 72° 00' W., 350 feet to a point in the Bland W. Coburn Heirs' line; thence with the Bland W. Coburn Heirs' line N. 24° 26' W., 515 feet to the point of beginning. Except, therefrom, 0.9 acre, more or less, comprising an island at a water elevation of 1722.63, the said island being more particularly described as follows: Beginning at a point in the 1722.63 foot contour line, the said point being S. 35° 30' E., 2340 feet from the chestnut stump and iron pin which is the common corner of the lands of the Bland W. Coburn Heirs, R. E. Wood, and the North Carolina Exploration Company; thence with the contour and a severance line as it meanders around the shore of the island, the said contour being defined approximately by the following bearings and distances, the contour, however, being the true severance line:

N. 77° 00' E., 170 feet; S. 14° 00' E., 30 feet; S. 42° 00' W., 190 feet; N. 73° 00' W., 115 feet; N. 35° 00' E., 120 feet to the point of beginning.

All of the above described land contains a total of 399 acres, more or less, of which 389 acres, more or less, lie below elevation 1715.63.

The easement rights set forth above are to be acquired subject to such rights as may be vested in the county or state to State Highway No. 288 which affects approximately 9.5 acres and to any other rights of way for public roads traversing the described land, and to such rights as may be vested in third parties to railway, telephone, and transmission line rights of way, and the lands affected by the said easement rights are shown on Tennessee Valley Authority Land Maps 19 MS 421 K 504-2 and 19 MS 421 K 504-3, Fontana Reservoir, a copy of each of which will be filed in the Register of Deeds' Office of Swain County, North Carolina.

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 elevations given therein refer to Mean Sea Level Datum and are based on the U. S. Coast and Geodetic Survey's Southeastern Supplementary Adjustment of 1936.

To have and to hold the aforescribed easement rights unto the Grantee and unto its assigns forever.

The Grantor, for itself, its successors and assigns, does hereby covenant to and with the Grantee that it is lawfully seized and possessed of the above described tract of land, that it has a good and lawful right to sell and convey the above described easement rights therein, that said land is free and clear of all encumbrances, and that it will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever. There is

excepted the mineral interest heretofore severed from the fee within the bounds of State Grant No. 1360, as shown in a deed from C. E. Johnston et al, to J. E. Coburn, recorded in Book 20, page 305, public records of Swain County, North Carolina, and now claimed by M. S. Stein and the successors of Joseph P. Sadler, deceased, which mineral interest is in land more particularly described hereinafter:

BEGINNING at the point of intersection of the northwest boundary line of Martha J. Myers' land and the southwest boundary line of Grant No. 1360, the said point being N. 30° 51' E., 24 feet from the most westerly corner of Martha J. Myers' land; thence with the southwest boundary line of Grant No. 1360, N. 53° 12' W., 2352 feet to a point (Coordinates: N. 654,049; E. 574,636); thence with the west boundary line of Grant No. 1360, N. 25° 31' E., 3940 feet to a point in the 1722.63 foot contour on the east side of Eagle Creek; thence with a severance line and the contour line as it meanders in a general southerly direction along the east side of the creek, the said contour being defined approximately by the following bearings and distances, the contour, however, being the true severance line:

N. 87° 30' E., 340 feet; S. 24° 30' W., 310 feet; S. 23° E., 105 feet; S. 84° W., 155 feet; S. 44° 30' W., 270 feet; S. 2° W., 100 feet; S. 12° E., 150 feet; S. 30° W., 240 feet; S. 83° E., 290 feet; S. 28° E., 110 feet; S. 52° W., 135 feet; S. 32° E., 250 feet; S. 17° W., 440 feet; N. 26° 30' E., 710 feet; N. 67° E., 150 feet; N. 29° E., 200 feet; S. 86° E., 190 feet; S. 25° W., 315 feet; S. 47° E., 190 feet; S. 68° W., 320 feet; S. 10° W., 260 feet; S. 26° E., 100 feet; S. 36° 30' W., 870 feet; S. 12° W., 150 feet; S. 70° E., 155 feet; S. 47° E., 100 feet; S. 56° W., 150 feet; S. 30° W., 150 feet; N. 66° E., 220 feet; S. 86° E., 180 feet; S. 39° W., 240 feet; S. 22° E., 205 feet; S. 79° W., 230 feet; S. 5° E., 210 feet; S. 29° E., 150 feet to a point in a boundary line of the land in dispute between the W. L. Myers Heirs and the North Carolina Exploration Company; thence with the line claimed by the W. L. Myers Heirs as their boundary line S. 70° 34' W., 40 feet to a point; thence S. 24° 06' E., 196 feet to a point in the 1722.63 foot contour line; thence with the contour line and a severance line as it meanders in a general westerly direction along the south side of a bend in Eagle Creek and subsequently in a general easterly direction along the north side of the Little Tennessee River, the said contour being defined approximately by the following bearings and distances, the contour, however, being the true severance line:

N. 74° W., 95 feet; N. 24° W., 190 feet; N. 60° W., 400 feet; S. 37° W., 185 feet; N. 50° W., 215 feet; S. 68° W., 170 feet; N. 70° W., 245 feet; S. 2° E., 180 feet; S. 43° E., 110 feet; S. 82° E., 380 feet; S. 9° E., 200 feet; S. 73° E., 440 feet; S. 56° E., 620 feet to a point in Martha J. Myers' line; thence with Martha J. Myers' line S. 30° 51' W., 401 feet to the point of beginning.

Also, beginning at the point of intersection of the southwest boundary line of Grant No. 1360 and the south boundary line of Martha J. Myers' land (Coordinates: N. 652,620; E. 576,547) the said point being N. 89° 51' E., 40 feet from the most westerly corner of Martha J. Myers' land; thence with Martha J. Myers' line N. 89° 51' E., 403 feet to a point in the east boundary line of Grant No. 1360; thence with the east boundary line of Grant No. 1360, S. 3° 43' W., 289 feet, passing a pine stump at approximately 50 feet, to a point in the northeast boundary line of the Nantahala Power & Light Company's land and at the most southerly corner of Grant No. 1360; thence with the Nantahala Power & Light Company's line and the southwest boundary line of Grant No. 1360, N. 53° 12' W., 479 feet, leaving the Nantahala Power & Light Company's line and crossing Myers Branch at 21 feet, to the point of beginning.

All of the above described land contains a total of 107.7 acres, more or less, of which 4.5 acres, more or less, lie above elevation 1722.63, leaving a net total of 103.2 acres, more or less, lying below elevation 1722.63.

It is understood and agreed that the coordinates and bearings given in the above description are for the North Carolina State Coordinate System, Lambert Projection, as established by the U. S. Coast and Geodetic Survey. The origin for this coordinate system is at Latitude 33° 45' N., and Longitude 79° 00' W., and has been assigned a value of  $x = 2,000,000$  feet and  $y = 0$  feet.

In further consideration of the purchase price of \$250,000, the Company, for itself, its successors and assigns forever, hereby releases, acquits and discharges the Authority, its successors and assigns and its agents and employees, and the United States of America, of and from all obligations, liability, claims and demands of every nature, character and description, whether now or hereafter existing, arising out of or in any way connected with any loss, damage, interference, impairment of the efficiency, value, usability or convenience, or injury resulting to the above described property, to any other property owned by the Company in the Fontana Reservoir area and any mining operations now or which may hereafter be conducted thereon, where such loss, damage, interference, impairment or injury is or may be alleged or claimed to have resulted from or to be in any way connected with the construction of Fontana Dam



or the creation or operation of Fontana Reservoir, including but not limited to: (a) the loss, destruction and impairment of all means of access and access facilities of every description, which shall extend to, include and relieve from any responsibility in connection therewith, the State of North Carolina and Swain County, North Carolina: and (b) the loss, damage, impairment, interference or injury to the said property or to any and all mining operations which may now or hereafter be conducted thereon, resulting from flooding, seeping, or percolating waters. The Company expressly agrees, for itself, its successors and assigns, not to maintain or attempt to maintain any action or cause of action against the Authority, its agents or employees, or the United States of America, based upon or arising out of any such loss, damage, interference, impairment of injury, it being the intention hereof that the payment made by the Authority hereunder constitutes and effects, and is hereby accepted as, an immediate, complete and final payment and discharge and just compensation of all obligations, liability, claims and demands whatsoever, arising out of the construction of Fontana Dam and the creation and operation of Fontana Reservoir on the Little Tennessee River in North Carolina.

The Grantor understands and hereby agrees that all buildings and fences located on that portion of the above described land lying below the 1715.63 contour level constitute potential hazards to navigation and must be removed. This conveyance is made, however, upon the condition that the Grantor may salvage said buildings provided they are removed from the land prior to a date which will be determined by the Tennessee Valley Authority and said Authority shall give notice to the Grantor, orally or by letter, at least 30 days in advance of said date.

In Witness Whereof, the North Carolina Exploration Company, the Grantor herein, has caused this instrument to be executed by its duly authorized officers on this the day and year first above written.

ATTEST:

Henry Kaufman, Secretary

(Seal affixed)

North Carolina Exploration Company

By M. A. Caine, President

STATE OF NEW YORK  
COUNTY OF NEW YORK

This is to certify that on the 12th day of May, 1944, before me personally came M. A. Caine, with whom I am personally acquainted, who, being by me duly sworn, says that he is the president, and that Henry Kaufman is the secretary of the North Carolina Exploration Company, the corporation described in and which executed the foregoing instrument; that he knows the common seal of said corporation; that the seal affixed to the foregoing instrument is said common seal, and the name of the corporation was subscribed thereto by the said president, and that said president and secretary subscribed their names thereto, and said common seal was affixed, all by order of the board of directors of said corporation, and that the said instrument is the act and deed of said corporation.

Witness my hand and official seal, this the 12th day of May, 1944.

(Seal affixed) My commission expires March 30, 1946  
Felix A. Wagner, Notary Public  
Kings Co. Clk's No. 78, Reg. No. 94-W-6  
Certificate filed in N. Y. Co.  
N. Y. Co. Clk's No. 96, Reg. No. 66-W-6

Felix A. Wagner, Notary Public

STATE OF NORTH CAROLINA, SWAIN COUNTY

The foregoing certificate of Felix A. Wagner, a Notary Public of Kings County, New York, New York, attested by his official seal, is adjudged to be correct. Let the instrument, and the certificate be registered.

Witness my hand this 20 day of May, A.D., 1944.

H. J. Truett  
Clerk Superior Court

Filed for Registration at 4:55 o'clock P. M., May 20 1944 and registered in the office of the Register of Deeds for Swain County, North Carolina, in Book, 67, Page 391, 20 May 1944.

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

(DOCUMENTARY STAMPS attached \$82.50)

This deed, made this 12th day of May, 1944, by Carolina and Tennessee Southern Railway Company, a corporation of the State of North Carolina, party of the first part, to United States of America, party of the second part;