

TENNESSEE VALLEY AUTHORITY WARRANTY DEED

(DOCUMENTARY STAMPS ATTACHED \$3.85)

STATE OF NORTH CAROLINA—SWAIN COUNTY

THIS DEED, Made this 21st day of December, 1943, by and between

MARTHA J. MYERS, a widow; JAMES MYERS; CHARLIE MYERS;

of the County of Swain 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 THREE THOUSAND ONE HUNDRED FORTY-FIVE AND 20/100-----Dollars (\$3,145.20) 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, 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, approximately 1 1/2 miles east of the Fontana Dam, and more particularly described as follows:

Beginning at a 30 inch black oak tree, a corner to the land of the North Carolina Exploration Company, and the most northerly point of the tract herein described; thence with the Company's line along the following bearings and distances: South 11° 45' East, 276 feet to a 10 inch dogwood stump; South 36° 02' West, 740 feet; South 15° 02' West, 2103 feet to a 20 inch oak tree; South 52° 21' West, 1568 feet; South 89° 51' West, 956 feet; North 30° 51' East, 623 feet to a point, a corner of the land of the North Carolina Exploration Company, the land in dispute between the W. L. Myers Heirs and the North Carolina Exploration Company, and the land of Prudie Tipton et vir; thence with Prudie Tipton's line South 23° 12' East, 178 feet to an 8 inch white oak tree at the top of a ridge; thence with the top of the ridge as it meanders approximately along the following bearings and distances: North 19° 00' East, 275 feet, North 70° 00' East, 320 feet to a 12 inch post oak tree; thence, leaving the ridge, along the following bearings and distances: North 37° 00' East, 530 feet to a stake; North 8° 20' West, 555 feet to a point, a corner of the lands of Prudie Tipton et vir, and the North Carolina Exploration Company; thence with the Company's line along the following bearings and distances: North 30° 51' East, 301 feet; North 45° 51' East, 2708 feet to the point of beginning, and containing 84 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 2.5 acres.

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' West.

The above described tract of land was acquired by Martha J. Myers, one of the parties of the first part, by deed from Prudy Myers Tipton et al, dated March 31, 1930, and recorded in Book 59, Page 79, in the office of the Register of Deeds of Swain County, North Carolina.

It is understood and agreed that the parties of the first part grant and convey the above described tract of land subject to such right, title, and interest in and to the minerals as may be outstanding in third parties by virtue of the reservation contained in the deed from C. E. Johnston et al to J. E. Coburn, dated May 22, 1903, and recorded in Book 20, Page 305, in the office of the Register of Deeds of Swain County North Carolina. And the parties of the first part, 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, prescription, or otherwise.

Charlie Myers, James Myers, Prudie Tipton and husband, James Tipton, join in this conveyance as owners of improvements located on the tract described and will participate in the consideration only to the extent of the appraised value of such improvements.

~~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.~~

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.

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| Witnesses to signature by mark (Seal) | (Seal) | s/ Martha J. X Myers (Seal) | (her mark) |
| of Martha J. Myers and James Myers: | | Martha J. Myers (Seal) | |
| Clarence P. Garret, Bryson City (Seal) C. | (Seal) | | |
| Charles H. Tipton, Proctor, N.C. (Seal) | (Seal) | s/ Charlie Myers (Seal) | |
| | | Charlie Myers (Seal) | |
| | (Seal) | s/ his mark (Seal) | |
| | | James X Myers (Seal) | |
| | | James Myers | |

STATE OF North Carolina, Swain COUNTY

I, Crawford Pearson, a Notary Public, in and for Graham County, N.C., do hereby certify that Martha J. Myers, a widow, James Myers and Charlie Myers, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS My hand and official seal this 21st, day of December, A.D., 1943, and I certify that by virtue of Section 3176, N.C. Code, I am qualified to act in all counties of the State of North Carolina
(SEAL AFFIXED) Crawford Pearson, Notary Public

My commission expires: 5-3-45

STATE OF NORTH CAROLINA, SWAIN COUNTY

The foregoing certificate of Crawford Pearson a Notary Public of Graham County, attested by his official seal, is adjudged to be correct. Let the instrument, and the certificate, be registered.

WITNESS my hand this 23rd day of December, A. D., 1943.

H. J. Truett, Clerk Superior Court

Filed for registration on the 23rd day of Dec., 1943, at 9:30 o'clock, A. M., and registered in the office of the Register of Deeds for Swain County, North Carolina, 27 day of December, 1943, at 1:35 o'clock P.M. in Book 67 of Deeds, and Page 134, etc.

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