

NORTH CAROLINA

IN THE SUPERIOR COURT

SWAIN COUNTY

BEFORE THE CLERK

STATE OF NORTH CAROLINA, Petitioner

Against

Lura Wiggins, Bob Wiggins, Josie Rogers, Humphrey Rogers, Sallie Styles, Pink Styles, Jessie Wiggins, Norah Wiggins, Charles Wiggins, Harvey Wiggins, *Mamie Wiggins*, Carie Wiggins, Minnie Wiggins, Fannie Wiggins, Grady Wiggins, Maggie Rice, and husband, and two minor children of Dock Wiggins, deceased, John Wiggins, Minnie Wiggins, Albert Wiggins and wife, Lillie Wiggins, Roxanna Wiggins, the Aldela Holloway, Garrett Holloway, George Ianey and children of Delia Wiggins Ianey, deceased, some of whom are minors and names unknown, Joe Queen, Estella Queen, Emma Queen, Gladys Queen, Ed Cline, Rebecca Queen, Docia Styles, Monroe Queen, *Lula Queen*, Sarah Cochran, Jesse Cochran, Rebecca Prady, Sam Prady, Ed Styles, Beccie Wiggins, Robert Wiggins, Bessie Wiggins, Howard Wiggins, Frank Styles Lucy Grouley, Ed Gourley, Arizona Styles, Sarah Styles, A. T. Blanton, Sallie Blanton, Marion Eppley and wife, Wes Wiggins and wife, Bessie Wiggins, Andrew Wiggins, Sarah Wiggins, Lee Wiggins, Mary Wiggins, Howard Jones, Luther Johns, Joe Wooten, Zeb Wooten, Resetta Hayes, John Hayes, Wes Wooten, Filite Wooten Pink Wooten, Omar Wooten, Emma Wooten, Dorothy Wooten, Maxie Wooten, J. D. Wooten, M. E. Queen, Vinnie Queen, Hastings Queen, John Queen, Grace Queen Blanch Worley, Robert Worley, Pearle Hunnicutt, Van Hunnicutt, M. M. McCoy and Tella McCoy, Mae Wilson, Harley Wilson, W. R. Monteith, Elvira Monteith, W. T. Shuler, J. A. Nichols, R. L. Snelson & Co., A. J. Franklin, Jr., Columbus Kitchen, Selenda Kitchen, Lee Kitchen, Callie Kitchen and The Champion Fibre Company.

Respondants.

FINAL JUDGMENT

This cause coming on to be heard before the undersigned Clerk of the Superior Court of Swain County, North Carolina, on this the 23rd day of April, 1930, and upon motion of counsel for petitioner for a final judgment in said proceeding and being heard and the Court having found, and hereby finding the facts as follows, to wit:

-/-

That this proceeding is duly constituted in this Court; that said summons was issued therein on January 22, 1930, and that a duly verified petition of the State of North Carolina was on said day duly filed in this Court together with copies thereof as provided by law and that the said Summons has been duly and legally served upon the several respondents and every of them in all respects as required by law and that the notice required by Chapter 48, Sec. 19 of the Public Laws of North Carolina of the Session of 1927, has been duly published in all respects as therein required, whereby all persons whom it may concern and all persons have ~~not~~ or claiming to have any estate or interest in the lands sought to be condemned in this proceeding have been duly notified and required to appear therein at the time and place therein mentioned and to make such answer, defense or plea as they may be advised; and that thereafter, to wit: On February 7, 1930, an order of publication was duly made by this Court for the purpose of serving said summons on such of said respondents or defendants as are non-residents of the State of North Carolina, and after due diligence cannot be found in the State, whose names are contained and fully set out in said order of publication and that said order of publication was duly published for the required

time by law in the Bryson City Times, a News paper published in Swain County, North Carolina, and it further appearing that said notice of Publication, required by Chapter 48 of the Public Laws of North Carolina was also published in the Bryson City Times, a Secular newspaper for the time required by law and that the affidavits of the printer of said News Paper, showing the publication of said notices as required by law, have been duly filed and are of record in this proceeding, and that thereafter upon affidavit showing that some of said respondents, towit: Fannie Wiggins, Grady Wiggins, two Children of Dock Wiggins, the Children of Delia Laney, Vinnie Queen, Hastings Queen, Sarah Styles, Fidle Wooten, Pink Wooten, Oma Wooten, Dorothy Wooten, Mamie Wooten and J. D. Wooten, were minors and without general or testamentary Guardian, The Court appointed B. C. Jones a competent and discreet person, as Guardian Ad Litem for said Minors and that said Guardian Ad Litem duly appeared and filed his answer on behalf of said minors and otherwise represented said minors in said proceeding; and it further appearing that A. J. Franklin, Jr. filed an answer herein and that Mae Wilson and husband, Harley Wilson, and John Wiggins for himself and others, heirs at law of Sherrill Wiggins, deceased, also filed answers herein, and it appearing that said answer in each case admitted the allegations of the petition in so far as they affect the right of the petitioner to condemn said lands for the purposes expressed in said petition, said answers merely setting out the several interests of said parties in said lands; and it further appearing that Marion Appley and wife also filed an answer here admitting said allegations of the petition and setting up their ownership of tracts Nos. 143 and 143-a described in the petition, but not denying the allegations upon which the right of condemnation of said lands is sought; that due and proper notices of all proceedings herein have been given to said respondents and the court hereby finds as a fact that no other persons, firms or corporations have appeared herein or in any manner asserted any interest in the subject matter of this action and proceeding, other than those whose names are set out in said summons and petition and those who have made themselves parties hereto and filed answers herein, all of which will more fully appear of record.

-2-

That the right of eminent domain appertains to and resides in the petitioner as a sovereign state and petitioner has thus other and further right and powers to condemn and appropriate the lands described in the petition for the purpose mentioned thereun under and by virtue of Chapter 48 Public Laws of North Carolina, Session 1927.

-3-

That the lands described in said petition and all of them lie wholly within the boundaries of the proposed Great Smoky Mountains National Park as defined and set out in the Act of the General Assembly of North Carolina entitled "An Act to Provide for the Acquisition of park and Recreational Facilities in the Great Smoky Mountains of North Carolina", ratified on the 25th day of February, 1927 and being Chapter 48 of the Public Laws of North Carolina, Session 1927 and particularly in Section 4 of said act and that all of said lands embraced within the area of 214,000 acres of land situate in the State of North Carolina designated by the Secretary of the Interior of the United States under authority of the Act of Congress mentioned in the statute aforesaid, viz: Chapter 48 Public laws of North Carolina, Session 1927, as properly constituting a portion of the said Great Smoky Mountains National Park, all of which will more particularly appear by reference to said act of Congress and to said Chapter 48 of the Public Laws of North Carolina, Session 1927.

-4-

That it is both lawful and necessary for the petitioner to condemn the

lands described in the petition for the purposes therein expressed and declared and that the petitioner is entitled to the relief in this petition.

-5-

That the respondents hereinbefore named are solely seized and possessed and are the owners in fee simple of the several tracts of land described in said petition, the persons owning or claiming to own each of said tracts being fully named and set out in the petition herein and the court find that they are the owners of all right, title, property, interest and estate vested or contingent, legal or equitable in or to the lands described in the petition; and it further appearing to the court, and the court having found as a fact, that no person, firm or corporation other than the respondents above named have or claim any right, title, property, interest or estate in the lands and premises described in the petition and condemned herein and appropriated to the petitioner for the uses set out in said petition.

-6-

That heretofore, to wit: One the ____ day of March, 1930, the undersigned Clerk of the Superior Court of Swain County, North Carolina, duly made and entered an interlocutory judgment and order in this cause wherein it was ordered, considered and adjudged among other things that C. R. Browning, W. T. Jenkins and I. E. Brooks be and they were duly appointed Commissioners of the Court and required fairly and impartially to appraise the lands described in the petition and to ascertain and determine the compensation which ought justly to be made by the petitioner to the parties owning or interested in the several tracts of land described in said petition and appraised by them and to make a report thereof to the Court according to law and said commissioners were duly required before entering upon their duties to take and subscribed an oath in form of law that they would fairly and impartially ascertain and award the compensation aforesaid, all of which will more fully appear by reference to said order as same appears of record herein and said commissioners proceeded, conformable to the provisions and requirements of said order to appraise said land as required by said order and thereafter, to wit: April 1, 1930, said Commissioners having gone upon said lands and viewed the same, heard the evidence of such of said respondents as desired to present evidence to said commissioners, made a written report to their said proceeding and returned the same into this court, together with the testimony produced by them and reduced to writing and together with all exhibits and documents introduced in evidence at said hearing, and said reports and evidence were duly filed in this court, all of which will more fully appear by the record of the proceedings herein which are hereby more particularly referred to.

-7-

That the Commissioners and appraisers after viewing said lands and hearing evidence in regard to the value thereof on April 2, 1930, made their report in which they appraised, ascertained and determined the compensation which ought justly to be made by the petitioner to the party or parties owning or interested in the lands described in the petition and appraised by them as follows:

1. The Tract described in said petition as Tract No. 113 of the Survey made by the North Carolina, Park Commission and known as the Sherrill Wiggins tract and further described in Exhibit "A" attached to said petition at the sum of \$2100.00.
2. The tract described in said petition as Tract No. 119 of the Survey made by the North Carolina, Park Commission owned by Rebecca Queen, Widow, Docia Styles and others and further described in Exhibit "B" attached to the petition at ~~\$1100~~ \$400.00.

3. Tract No. ~~122~~¹²¹ as shown by the Survey made by the North Carolina Park Commission and described in said petition as the lands owned by Docia Styles, widow, and others, heirs at law of W. T. Styles and being further described in Exhibit "C" attached to said petition at \$2250.00.

4. Tract No. 124 as shown by the survey made by the North Carolina Park Commission described in said petition as the land owned by A. T. Blanton and wife, Sallie Blanton, and further described in Exhibit "D" attached to said petition at the sum of \$1137.50.

5. Tract No. 153 as shown by the Survey made by the North Carolina Park Commission and described in the petition as the property of Wes Wiggins and others and further described in Exhibit "F" attached to said petition at \$900.00.

It was further found by said appraisers that a portion of this tract, containing about five acres, belonged entirely to said Wes Wiggins, which portion was appraised at \$250.00 and the remaining portion of said Tract 153 belonged to Wes Wiggins and others jointly and was appraised at \$650.00.

6. That Tract 164 as shown by the survey made by the North Carolina Park Commission and described in said petition as the lands owned by M. E. Queen, Widow of John B. Queen, and others and further described in Exhibit "G" attached to said petition at \$300.00.

7. That the mineral interest of M. M. McCoy and Stella McCoy described in Section 19 of said Petition and being a part of Tract No. 174 of the Survey made by The North Carolina Park Commission and set out in Exhibit "H" attached to the petition at \$50.00.

8. Tract No. 151 as shown by the survey made by the North Carolina Park Commission and described in the petition as the lands owned by Mae Wilson and husband, Harley Wilson and further described in Exhibit "I" attached to said petition at \$3900.00. This amount by subsequent agreement between the petitioner and said Mae Wilson and Harley Wilson, was fixed at \$3800.00.

That said report of said commissioners has been on file in this court since the 2nd April, 1930, and that none of said respondents have appealed therefrom except the respondents, A. T. Blanton and wife and Mae Wilson and Husband, Harley Wilson, and that the appeal of said Mae Wilson and husband, Harley Wilson has been withdrawn by agreement of the Parties.

Now, Therefore, in the premises aforesaid and upon motion of counsel of the petitioner it is considered, ordered and adjudged by the court as follows:

-1-

That the judgment and order appointing Commissioners in this cause hereinbefore referred to and the same is hereby in all respects approved, ratified and confirmed.

-2-

That the report of said Commissioners and Appraisers as the same appears in the records of this cause, be and the same is hereby approved, ratified and confirmed.

-3-

That the petitioner shall forthwith pay into the Registry of this Court in full of the compensation which ought justly to be made by the petitioner to the party or parties owning or interested in the lands described in the petition and so appraised by said commissioners and conformable to the report of said Commissioners, that is to say for the Sherrill Wiggins Tract, being Tract No. 113 of the Survey made by the North Carolina Park Commission, the sum of \$2100.00; For Tract No. 121 as shown by the Survey made by the North Carolina, Park Commission, the sum of \$2250.00:

For Tract No. 153 as shown by the Survey made by the North Carolina Park Commission owned by Wes Wiggins and other, \$900.00;

For Tract No. 164 as shown by the Survey made by the North Carolina Park Commission

owned by M. E. Queen, Widow of John B. Queen and others, the sum of \$300.00;

For the mineral interest of M. M. McCoy and Stella McCoy, being a part of Tract 174 of the Survey made by the North Carolina, Park Commission, the sum of \$50.00

For the Tract No. 151 as shown by the survey made by the North Carolina Park Commission owned by Mae Wilson and husband, Harley Wilson, the sum of \$3800.00;

For tract No. 119 of the survey of the North Carolina, Park Commission, owned by Rebecca Queen, widow, and others, the sum of \$400.00.

The amounts hereinbefore set out represent the amounts for which each of said several tracts were appraised by said commissioners, the said amount of money to be paid out and disposed of under the orders of this court and to the party or parties person or persons entitled thereto as their interest may be severally made to appear.

-4-

That upon the payment into court by the petitioner of the said several amounts of money for the several tracts hereinbefore referred to and as herein required, the title to all and singular the lands premises and real estate described in the petition and hereinafter more particularly described, shall immediately pass to and vest in the petitioner, the State of North Carolina in fee simple for the uses and purposes expressed and declared in said petition and in Chapter 48 of the Public Laws of North Carolina Session 1927, free and discharged of and from all adverse claims, liens and encumbrances whatsoever, and the respondents and all other persons whomsoever as well such person or persons not parties to this action, if any, as the parties hereto, are forever barred from claiming or asserting any manner of estate or interest in said lands either legal or equitable, the person or persons not parties hereto having or claiming have, if any, being hereby remitted solely to the right of recourse upon the money so paid into the Court by the petitioner as provided by Law.

-5-

That the lands described in the petition the title to which, through and by virtue of the proceedings had in this cause herein became vested in the petitioner, State of North Carolina, are more fully described as follows:

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that all the costs of this proceeding properly incurred by both the petitioner and respondents, up to and including the costs of this judgment to be taxed by the Clerk, shall be paid by the petitioner. That this shall be deemed the final judgment in this cause in respect to the rights, claims and obligations of the petitioner, The State of North Carolina, and in respect to the title in and to the lands and premises above described EXCEPT: As to the Tract described in said petition and known as the Marion Eppley tract and upon which said appraisers have not yet made a report, and the A. T. Blanton tract, from which an appeal has been entered from the report of said appraisers, and this cause is retained for the purpose of the adjudication of any and all claims that may be asserted in, to or against the money to be paid into the Court for the petitioner for all of said tracts, except said Eppley and Blanton Tracts, pursuant to the provisions of this judgment, and for no other purposes whatsoever.

This cause is, however, retained for the further consideration and adjudication of the rights of the petitioner in regard to said tracts of said Marion Eppley and said A. T. Blanton.

This the 24th day of April, 1930.

Clerk Superior Court, Swain County

NORTH CAROLINA
SWAIN COUNTY

IN THE SUPERIOR COURT
BEFORE THE CLERK

STATE OF NORTH CAROLINA, Petitioner

Against

Iaura Wiggins, Bob Wiggins, Josie Rogers Humphrey Rogers, Ballie Styles, Pink Styles, Jesse Wiggins, Norah Wiggins, Charles Wiggins, Harvey Wiggins, Mamie Wiggins, Carrie Wiggins, Minnie Wiggins, Fannie Wiggins, Grady Wiggins, Maggie Rice and husband, and two Minor Children of Dock Wiggins, deceased, John Wiggins, Minnie Wiggins, Albert wiggins and wife, Lillie Wiggins, Roxanna Wiggins, Aldelia Holloway, Garrett Holloway, George Laney and the Children of Delia Wiggins Laney, Deceased, some of whom are minors and names unknown, Jow Queen, Estella Queen, Emma Queen, Gladys Queen, Edeline, Rebeca Queen, Docia Styles, Monroe Queen, Lula Queen, Sarah Cochran, Jesse Cochran, Rebecca Frady, Sam Frady, Ed Styles Beckie Wiggins, Robert Wiggins, Bessie Wiggins, Howard Wiggins, Frank Styles, Lucy Grouley, Ed. Gourley, Arizona Styles, Sarah ~~Stax~~ Styles A. M. Blanton, Sallie Blanton, Marion Eppley and wife, Wes Wiggins and wife, Bessie Wiggins, Andrew Wiggins, Sarah Wiggins, Lee Wiggins, Mary Wiggins, Howard Jones, Luther Jones, Jow Wooten, Zeb Wooten, Rossetta Hayes, John Hayes, Wes Wooten, ^{Fidile Wooten} Pink Wooten, Omar Wooten, Emma Wooten, Dorothy Wooten, Maxie Wooten, J. D. Wooten, M. E. Queen, Vinnie Queen, Hastings Queen, ~~Blanco~~ Queen, Grace Queen, Blanch Worley, Robert Worley, Pearle Hunnicutt, Van Hunnicutt, M. M. McCoy and Tella McCoy, Mae Wilson, Harley Wilson, W. R. Monteith, Elvira Monteith, W. T. Shuler, J. A. Nichols, R. L. Snelson & co., A. J. Franklin Jr., Columbus Kitchen, ^{Sandra Kitchen} Lee Kitchen, Callie Kitchen and The Champion Fibre Company.

Respondents

FINAL JUDGMENT:

This cause coming to be heard before the undersigned Clerk of the Superior Court of Swain County, North Carolina, on this the 23rd day of April, 1930, and upon motion of counsel for petitioner for a final judgment in said proceeding and being heard and the Court having found, and hereby finding the facts as follows, to wit:

---21---

That this proceeding is duly constituted in this court; that said summons was issued on January 22, 1930, and that a duly verified petition of the State of North Carolina was on said day duly filed in this Court together with copies thereof as provided by law and that the said summons has been duly and legally served upon the several respondents and every of them in all respects as required by law and that the notice required by Chapter 48, Sec. 19 of the Public Laws of North Carolina of the Session of 1927 has been duly published in all respects as therein required, whereby all persons whom it may concern and all persons haveint or claiming to have any estate or interest in the lands sought to be condemned in this proceeding have been duly notified and required to appear therein at the time and place therein mentioned and to make such answer, defence or plea as they may be advised; and that thereafter, to wit: On February 7, 1930, an order of Publication was duly made by this Court for the purpose of serving said Summons on such of said respondents or defendants as are non-residents of the State of North Carolina, and after due diligence cannot be found in the State, whose names are contained and fully set out in said order of publication and that said order of publication was duly published for the required time by law in the Bryson City Times, a News Paper published in Swain County, North Carolina; x

and it further appearing that said notice of publication required by Chapter 48 of the Public Laws of North Carolina was also published in the Bryson City Times, a secular newspaper for the time required by law and that the affidavits of the printer of said news paper, showing the publication of said notices as required by law, have been duly filed and are of record in this proceeding, and that thereafter, upon affidavit showing that some of said respondents, to wit: Fannie Wiggins, Grady Wiggins, Two children of Dock Wiggins, the children of Delia Laney, Vinnie Queen, Hastings Queen Sarah Styles, Edile Wooten, Pink Wooten, Oma Wooten, Emma Wooten, Dorothy Wooten, Mamie Wooten and J. B. Wooten, were minors and without general or testamentary Guardian, the Court appointed B. C. Jones, a competent and discreet person, as Guardian Ad Litem for said Minors and that said Guardian Ad Litem duly appeared and filed his answer on behalf of said Minors and otherwise represented said Minors in said proceeding; and it further appearing that A. J. Franklin, Jr., filed an answer herein and that Mae Wilson and husband, Harley Wilson, and John Wiggins for himself and others, heirs at law of Sherrill Wiggins, deceased, also filed answers herein; and it appearing that said answer in each cause admitted the allegations of the petition in so far as they affect the right of the petitioner to condemn said lands for the purposes expressed in said petition, said answers merely setting out the several interests of said parties in said lands; and it further appearing that Marion Eppley and wife also filed an answer here admitting said allegations of the petition and setting up their ownership of tracts Nos. 143 and 143-a described in the petition, but not denying the allegations upon which the right of condemnation of said lands is sought; that due and proper notices of all proceedings herein have been given to said respondents and the court hereby finds as a fact that no other persons, firms or corporations have appeared herein or in any manner asserted any interest in the subject matter of this action and proceeding, other than whose names are set out in said summons and petition and those who have made themselves parties hereto and filed answers herein, all of which will more fully appear of record.

- 2 -

That the right of eminent domain appertains to and resides in the petitioner as a sovereign state and petitioner has thus other and further rights and powers to condemn and appropriate the lands described in the petition for the purpose mentioned therein under and by virtue of Chapter 48 Public Laws of North Carolina, Session 1927.

- 3 -

That the lands described in said petition and all of them lie wholly within the boundaries of the proposed Great Smoky Mountains National Park as defined and set out in the Act of the General Assembly of North Carolina entitled "An Act to provide for the Acquisition of Park and recreational facilities in the Great Smoky Mountains of North Carolina", Ratified on the 25th day of February, 1927 and being Chapter 48 of the Public laws of North Carolina, Session 1927 and particularly in Section 4 of said Act and that all of said lands are embraced within the area of 214,000 acres of land situated in the State of North Carolina designated by the Secretary of the Interior of the United States under authority of the Act of Congress mentioned in the Statute aforesaid, viz: Chapter 48, Public Laws of North Carolina, Session 1927, as properly constituting a portion of the said Great Smoky Mountains National Park, all of which will more particularly appear by reference to said act of Congress and to said Chapter 48 of the Public Laws of North Carolina, Session 1927.

- 4 -

That it is both lawful and necessary for the petitioner to condemn the lands described in the petition for the purposes therein expressed and declared and

that the petitioner is entitled to the relief demanded in this petition.

-5-

That the respondents hereinbefore named are solely seized and possessed and are the owners in fee simple of the several tracts of land described in said petition, the persons owning or claiming to own each of said tracts being fully named and set out in the petition herein and the court find that they are the owners of all right, title, property interest and estate vested or contingent, legal or equitable in or to the lands described in the petition; and it further appearing to the Court, and the Court having found as a fact, that no person, firm or corporation other than the respondents above named have or claim any right, title, property, interest or estate in the lands and premises described in the petition and condemned herein and appropriated to the petitioner for the uses set out in said petition.

-6-

That heretofore, to wit: On the ____ day of March, 1930, the undersigned Clerk of the Superior Court of Swain County, North Carolina, duly made and entered an interlocutory judgment and order in this cause wherein it was ordered, considered and adjudged among other things that C. R. Browning, W. T. Jenkins and L. E. Brooks be and they were duly appointed Commissioners of the Court and required fairly and impartially to appraise the lands described in the petition and to ascertain and determine the compensation which ought justly to be made by the petitioner to the parties owning or interested in the several tracts of land described in said petition and appraised by them and to make a report thereof to the Court according to law and said commissioners were duly required before entering upon their duties to take and subscribe an oath in form of law that they would fairly and impartially ascertain and award the compensation aforesaid, all of which will more fully appear by reference to said order as same appears of record herein and said commissioners proceeded, conformable to the provisions and requirements of said order to appraise said land as required by said order and thereafter, to wit: April 1, 1930, said Commissioners having gone upon said lands and viewed the same and having heard the evidence of such of said respondents as desired to present evidence to said commissioners made a written report of their said proceeding and returned the same into this court, together with the testimony produced by them and reduced to writing and together with all exhibits and documents introduced in evidence at said hearing and said reports and evidence were duly filed in this court, all of which will more fully appear by the record of the proceedings herein which are hereby more particularly referred to.

-7-

That the Commissioners and appraisers after viewing said lands and hearing evidences in regard to the value thereof on April 2, 1930, made their report in which they appraised, ascertained and determined the compensation which ought justly to be made by the petitioner to the party or parties owning or interested in the lands described in the petition and appraised by them as follows:

1. The tract described in said petition as Tract No. 113 of the Survey made by the North Carolina Park Commission and known as the Sherrill Wiggins Tract and further described in Exhibit "A" attached to said petition at the sum of \$2100.00
2. The tract described in said petition as Tract No. 119 of the survey made by the North Carolina Park Commission owned by Rebecca Queen, widow, Docia Styles and others and further described in Exhibit "B" attached to the petition at \$400.00.
3. Tract No. ¹²¹~~122~~ as shown by the Survey made by the North Carolina Park Commission and described in said petition as the lands owned by Docia Styles, widow, and others, heirs at law of W. T. Styles and being further described in Exhibit "C" attached to said peti-

tion at \$2250.00.

4. Tract No. 124 as shown by the survey made by the North Carolina Park Commission described in said petition as the land owned by A. T. Blanton and wife Sallie Blanton and further described in Exhibit "D" attached to said petition at the sum of \$1137.50.

5. Tract No. 153 as shown by the survey made by the North Carolina Park Commission and described in the petition as the property of Wes Wiggins and others and further described in Exhibit "F" attached to said petition at \$900.00.

It was further found by said appraisers that a portion of this tract, containing about five acres, belonged entirely to said Wes Wiggins, which portion was appraised at \$250.00 and the remaining portion of said tract 153 belonged to Wes Wiggins and others jointly and was appraised at \$650.00.

6. That Tract 164 as shown by the Survey made by the North Carolina Park Commission and described in said petition as the lands owned by M. E. Queen, widow of John B. Queen, and others and further described in Exhibit "G" attached to said petition at \$300.00.

7 That the mineral interest of W. M. McCoy and Stella McCoy described in Section 19 of said petition and being a part of Tract No. 174 of the Survey made by the North Carolina Park Commission and set out in Exhibit "H" attached to the petition at \$50.00.

8. Tract No. 151 as shown by the survey made by the North Carolina Park Commission and described in the petition as the lands owned by Mae Wilson and husband, Harley Wilson and further described in Exhibit "I" attached to said petition at \$3900.00. This amount, by subsequent agreement between the petitioner and said Mae Wilson and Harley Wilson, was fixed at \$3800.00.

The said report of said Commissioners has been on file in this court since the 2nd day of April, 1930 and that none of said respondents have appealed therefrom except the respondents A. T. Blanton and wife and Mae Wilson and Husband Harley Wilson, and that the appeal of said Mae Wilson and Husband, Harley Wilson has been withdrawn by agreement of the parties.

Now, Therefore, in the premises aforesaid and upon motion of counsel of the petitioner it is considered, ordered and adjudged by the Court as follows:

-1-

That the Judgment and order appointing Commissioners in this cause hereinbefore referred to and the same is hereby in all respects approved, ratified and confirmed.

-2-

That the report of said Commissioners and Appraisers as the same appears in the records of this cause, be and the same is hereby approved, ratified and confirmed.

-3-

That the petitioner shall forthwith pay into the registry of this Court in full of the compensation which ought justly to be made by the petitioner to the party or parties owning or interested in the lands described in the petition and said appraised by said Commissioners and conformable to the report of said Commissioners, that is to say for the Sherrill Wiggins Tract, being Tract No. 113 of the Survey made by the North Carolina Park Commission, the sum of \$2100.00;

For Tract No. 121 as shown by the survey made by the North Carolina Park Commission, the sum of \$2250.00;

For Tract No. 153, as shown by the survey made by the North Carolina Park Commission owned by Wes Wiggins and other, \$900.00;

For Tract No. 164 as shown by the Survey made by the North Carolina Park Commission owned by M. E. Queen, Widow of John B. Queen, and others, the sum of \$300.00;

For the mineral interest of M. M. McCoy and Stella McCoy being a part of Tract 174, of the survey Made by the North Carolina Park Commission, the sum of \$50.00;

For Tract No. 151 as shown by the Survey Made by the North Carolina Park Commission owned by Mae Wilson and Husband, Harley Wilson, the sum of \$3800.00;

For Tract No. 119 of the Survey of the North Carolina Park Commission, owned by Rebecca Queen, widow, and others, the sum of \$400.00.

The amounts hereinbefore set out represent the amounts for which each of said several tracts were appraised by said Commissioners, the said amount of money to be paid out and disposed of under the orders of this court and to the party or parties person or persons entitled thereto as their interest may be severally made to appear .

-4-

That upon the payment into court by the Petitioner of the said several sums of Money for the several tracts hereinbefore referred to and as herein required, the title to all and singular the lands premises and real estate described in the petition and hereinafter more particularly described, shall immediately pass to and vest in the petitioner, The State of North Carolina in fee simple for the uses and purposes expressed and declared in said petition and in chapter 48 of the Public Laws of North Carolina, Session 1927, free and discharged of and from all adverse claims, liens and encumbrances whatsoever, and the respondents and all other persons whomsoever as well such person or persons not parties to this action, if any as the parties hereto, are forever barred from claiming or asserting any manner of estate or interest in said lands either legal or equitable, the person or persons not parties hereto having or claiming to have, if any, being here by remitted solely to the right of recourse upon the money so paid in to court by the petitioner as provided by law.

-5-

That the lands described in the petition, the title to which through and by virtue of the proceedings had in this cause herein become vested in the petitioner, State of North Carolina, are more fully described as follows:

Description of the Boundary of the Sherrill Wiggins Tract

Number (113)

Swain County North, Carolina

19.49 acres.

Sherrill Wiggins Tract No. 113

NOTE: All bearings in this description were truned from the true meridian and all distances are expressed in chains of 66 feet .

Lying in the eastern watershed of Indian Creek and on the headwaters of George's Branch, being Exception 2 to the Champion Fibre Company Tract (1).

BEGINNING at Corner 1, a poplar stump, blazed and scribed S. W. Cor. 1. a 10" forked dogwood, blazed and scribed B. T. S. W. Cor. 1, bears N. 7-00 E. .10 chain distant; Thence North 38-30 E. 25.38 Corner 2, a chestnut stump; Thence N. 57-59 E. 36.81 Corner 3, a 20" spotted oak snag, with old markings and witnesses scribed S. W. cor. 2, A 24" spotted oak, blazed and scribed B. T. S. W. Cor. 2, bears N. 14-00 E. .20 chain distant; Thence N. 62-51 W. 19.66 Corner 4, a 30" broken top white oak, a blazed and scribed S. W. Cor. 5, A 30" spanish oak, Blazed and acribed B. T. S. W. Cor. 5, bears North 40-00 E. .30 chain distant; Thence S. 38-21 W. 61.45 Corner 5, a 20"

chestnut, blazed and scribed S. W. cor. 4, a .2" spanish oak, blazed and scribed B. T. S. W. Cor. 4, bears N. 40-00 W. .40 chain distant; Thence S. 81-24 E. 17.00 A stream flows southeast 19.51 The place of BEGINNING, Containing 19.49 acres.

Description of the Boundary of the J. H. Queen Tract

Number (119)

Swain County, North Carolina,

23.59 Acres.

J. H. Queen Tract Number 119.

NOTE: All bearings in this description were turned from ~~that~~ true meridian and all distances are expressed in chains ~~and~~ 66 feet

Lying ~~in~~ a Southeastern direction and about 30 chains distant from Indian Creek, Being a part of Exception 5, the Champion Fibre Co. Tract No. (1).

BEGINNING at corner 1, a point at corner of wire fence and Corner 3 of the W. F. Hartzog tract (120). Set a walnut post scribed Q-7. Thence N. 61-15 W. 16-92 Corner 2, a hickory stump with witnesses. Set a post scribed H-3. A 6" spanish oak b blazed and scribed B. T. H. 3, bears N. 45-00 W. .20 chain distant. Thence S. 13-19 W. 16-78 Corner 3, a fallen hemlock shown as corner by Joe Queen. Set a locust post scribed Q-1. Corner 3 of the Hartzog Tract (120). Thence, with the Hartzog Tract (120) S. 43-37 E. 9-02 Corner 4, a chestnut stump at corner of rail fence, blazed and scribed Q-2, identified by J. H. Queen, N. 71-59 E. 2.01 Corner 5, a point shown by Queen as site of Corner. Set a post scribed Q-3, a 10" maple bears S. 84-00 W. .20 chain distant, blazed and scribed B. T. Q-3, S. 8-50 E. .51 Corner 6, a point .20 chain north of small stream shown by Queen, Set a sassafras post scribed Q-4., N. 44-02 E. 6.52 Corner 7. Set a post in a mound of stones, scribed Q-5. N. 4-25 W. 2-79 Corner 8, a stump at corner of fence, Set a sassafras post scribed Q-6. N. 40-38 E. 9.40 The place of BEGINNING, Containing 23.59 acres.

Description of the Boundary of the William Styles Tract

Number (121)

Swain County, North Carolina

62.83 acres.

William Styles Tract Number 121.

Lying on both sides of Indian Creek and being a part of Exception 7 to the Champion Fibre Company Tract (1).

BEGINNING at corner 1, a post beside a stone corner, scribed W. S. Cor. 1. Thence S. 13-22 E. 2.49 Corner 2, a planted stone. Thence S. 27-26 E. 2.18 Corner 3, a post marked W. S. Corner 3, Thence S. 76-39 E. 4.38 Corner 4, a 10" Dogwood, blazed and scribed W. S. Corner 4.; Thence S. 42-38 W. 24-01 Corner 5, a chestnut post scribed W. S. Corner 5 B. L. Cor. 1. A 20" chestnut, blazed and scribed B. T. Corner 5, Cor. 1, bears S. 7-00 W. .18 chain distant. A common corner to the Baxter Laney Tract (122) Thence with two lines of the Baxter Laney Tract (122). N. 56-49 W. 20-53 Corner 6, a locust fence post scribed W. S. Cor. 6 and B. L. Cor. 2., S. 39-06 W. 2.15 Corner 7, a locust fence post scribed W. S. Cor. 7; Thence N. 59-31 W. 4.19 Corner 8, a 20" Chestnut blazed and scribed W. S. Cor. 8; Thence N. 13-13 E. 3.61 Corner 9, a 20" poplar scribed W. S. Cor. 9; Thence N. 44-12 E. 6.72 Corner 10, a 10" Locust scribed W. S. Cor. 10. Thence N. 57-36 E. 2.71 Corner 11, a 10" black oak blazed and scribed W. S. Cor. 11.

Thence N. 43-11 E. 5.71 Corner 12, a double chestnut blazed and scribed W. S. Cor. 12.
Thence N. 64-23 E. 3.73 Corner 13, A chestnut blazed and scribed W. S. Cor. 13; Thence
S. 31-06 E. 4.58 Corner 14, a ^{20"}chestnut stump, Blazed and scribed W. S. Cor. 14;
Thence N. 78-20 E. 1.86 Corner 15, a chestnut post scribed W. S. Cor. 15. Thence N. 66-
40 E. 11.58 Corner 16, a chestnut post scribed W. S. Cor. 16. Thence S. 26-01 E. 1.87
Corner 17, a chestnut post scribed W. S. Cor. 17.; Thence S. 60-00 E. 4.73 The Place
of BEGINNING, Containing 62-83 acres.

Description of the Boundary of The Wes Wiggins Tract Number (153)

Swain County, North Carolina,

53.25 acres.

Wes Wiggins Tract No. 153.

NOTE: All bearings in this description were turned from the true meridian and
all distances are expressed in chains of 66 feet.

BEGINNING at Corner 1, which is Corner 3 of the J. A. Morris Tract (148)
Corner 6 of the Sally Morris Tract (152), and a corner of the Hattie McCracken Tract (154-a) Should be tract 154, not 154a
a point in center of Deep Creek; Thence, with lines of the Hattie McCracken Tract (154-a)
S. 75-57 E. 2.96 Corner 2, a point in the Galbreath's Creek road; N. 50-23 E. with road
3.03 a point; N. 71-19 E. 3.84 A point; N. 69-55 E. 4.96 a point; N. 35-30 E. 6.67
Corner 3, a point on lower side of road, a corner of the Annie Cagle Tract (165) in the
lines of the Frankwood Mfg. Company Tract (155). Set a post S. 32-16 E. .27 chain
distant from this point; Thence with lines of the Annie Cagle Tract (165), up a ridge
with its meanders S. 32-16 E. 3.31 a point; S. 11-44 W. 3.33 A point; S. 9-40 E. 4.77
A 16" Black Gum with old marks, Blazed and scribed W-2, S. 71-18 E. 3.32 a point;
N. 76-40 E. 3.52, a point; S. 86-41 E. 3.13 A Point ; S. 50-56 E. 2.47 Corner 4, which
is corner 1 of the Wes Wiggins Tract (145-a), a 12" ^{old}spanish oak on bank of road, shown
by Lee Cagle, Blazed and scribed W.-I-1; Thence with the line of the Annie Cagle Tract
(165) as it meanders off the ridge S. 17-21 E. 2.58 A point; S. 8-28 E. 5.00 A point
S. 2-06 E. 1.36 a point; S. 44-30 E. .89 Corner 5, a point on Spur Ridge Set a post scribed
W-I-7; S. 2-04 W. leaving ridge 6-64, Corner 6, a 16" black oak with marks and witness-
es, on ridge top, blazed and scribed WI-5.; A 14" black oak blazed and scribed B. T. W.
I-6; Thence down the Ridge with its meanders S. 89-11 W. .95 a point; S. 83-39 W. 7.90
A point S. 61-49 W. 3.81 A point N. 58-00 W. 4.82 Corner 7, which is corner 2 of the
Sally Morris Tract (152) a large Spanish oak with old marks, on ridge top, blazed and
scribed M1; Thence with lines of the Sally Morris Tract (152) N. 51-37 W. 3.08 Corner
8, a large black oak with old marks and witness es blazed and scribed M-2; N. 30-36
W. 17-27 Corner 9, a point in stream shown by Wes Wiggins as site of corner. Set a
post scribed M-6 S. 62-00 W. 6.25 Corner 10, a point shown by Wes Wiggins as site of
poplar corner, set a post scribed M-4; N. 5-53 E. 6.53 The Place of BEGINNING,
Containing 53.25 acres.

Description of the Boundary of the J. B. Queen Tract

Number (164)

Swain County, North Carolina,

24-08 Acres.

J. B. Queen Tract No. 164.

NOTE: All bearings in this Description were turned from the true meridian and
all distances are expressed in chains of 66 feet.

BEGINNING at corner 1, which is corner 1, of the J. L. Styles (159) Corner 1 of the J. L. Cathey Tract 157) and Corner 3 of the Mark Cathey Tract (158) a chestnut oak stump with a dogwood witness. Thence with a line of the J. L. Styles Tract (~~159~~ 159) N. 85-40 E. 15.29 Corner 2, which is corner of the William Cope Tract (163)), a Planted stone at intersection of marked line. Thence S. 4-33 W. 11.63 Corner 3, a 16" white oak with marks and witnesses, on ridge top; Thence down the ridge with its meanders S. 62-16 W. 2.82 a point. S. 59-34 W. 1.64 a point. S. 51-14 W. 2.03 a point. S. 64-59 W. 6.80 a point S. 24-18 W. 2.22 Corner 4, a point on ridge top & intersection with a marked line; Set a post scribed C. C. Thence S. 48-10 W. 4.60 Corner 5, a point in the line of the J. L. Cathey Tract (157); Thence with a line of the J. L. Cathey Tract (157) N. 4-18 E. 21.92 The Place of BEGINNING, Containing 24.09 acres.

Description of the Boundary of that Portion of the W. T. Woody Tract (174) Covered by State Grant No. 83 and the Tract known as the Joel Crisp Home Place.

Swain County, North Carolina,

100 Acres.

W. T. Queen Tract No. 174.

BEGINNING at corner 1 of the W. T. Woody tract No. 174 and corner 43 of the Norwood Lumber Company Tract 172 and the Southwest corner of Grant 83 a post scribed W-9; Thence N. 2-46 E. with the west boundary of Grant 83 and the Joel Crisp ^{Home} tract 54 chains to the Northwest corner of the Joel Crisp Tract; thence East 25 chains to corner 2 of the W. T. Woody Tract a post scribed W-2; thence S. 3-52 W. 26.27 chains to corner 3 of the W. T. Woody tract a post scribed W-3; thence West 5 chains to the North East corner of Grant 83; thence South with the East boundary of Grant 83, 26 chains to the Southeast corner of Grant 83; Thence West with the South boundary of Grant 83, 20 chains to the place of Beginning, Containing about 100 acres.

DESCRIPTION of the Boundary of the Mae Wilson Tract,

Number (151)

Swain County, North Carolina

67.88 acres.

Mae Wilson Tract (151)

NOTE: All bearings in this description were turned from the true meridian and all distances are expressed in chains of 66 feet.

BEGINNING AT corner 1, which is a corner of the A. T. Lollis Tract (146a) a 12" beech on East bank of Deep Creek, and on West side of public road, blazed and scribed W-1. Thence S. 87-48 E. 4.68 Corner 2 a point on ridge top, at intersection of marked lines. Set post scribed W-2. A 6" sourwood blazed and scribed B. T. W. 2, bears S. 15-00 E. .18 chain distant; Thence S. 48-41 E. 13-98, Corner 3, a pine stump at intersection of marked lines on knob, Set a post scribed W-3. a 14" Spanish oak blazed and scribed B. T. W. 3, bears S. 40-00 E. 120 chain distant; Thence S. 81-45 E. 8.06 Corner 4, a white oak stump, Set post scribed W-4. A 6" hickory blazed and scribed B. T. W. 4, bears S. 41-00 E. .25 chain distant.; Thence N. 2-32 E. 5.93 Corner 5, a point on Spur ridge, Set a post scribed W-5, A 14" white oak blazed and scribed B. T. W. 5, bears S. 32-00 W. 127 chain distant. Thence N. 89-20 E. 7.11 Corner 6, a small black oak with marks, and witnesses, on ridge, Thence N. 12-13 E. 18.66 Corner 7, a point in marked line a corner of the Sally Morris Tract (152). Set a post scribed

W-7. A 12" hickory blazed and scribed B. T. W. 7, bears N. 5-00 E. .20 chain distant. Thence with the line of the Sallie Morris Tract (152) N. 77-46 W. 26.29 Corner 8, a post on east bank of Deep Creek in the line of the J. A. Morris Tract (148), scribed M-W, Thence down the Creek with its meanders a line of the J. A. Morris Tract (148). Thence S. 29-59 W. 5.70 a point, S. 48-41 W. 2.03 Corner 9, a which is a corner of the A. T. Lollis Tract (146-a), a point in center of Creek; Thence with a line of the A. T. Lollis Tract (146-a) down the creek S. 6-11 W. 9.55 The Place of Beginning, Containing 67.88 Acres.

IT IS FURTHER CONSIDERED ORDEDED AND ADJUDGED by the Court that all of the costs of this proceeding properly incurred by both the petitioner and respondents, up to and including the costs of this judgment to be taxed by the clerk, shall be paid by the petitioner, That this shall be deemed the final judgment in this cause in respect to the rights, claims and obligations of the petitioner, That State of North Carolina, and in respect to the title in and to the lands and premises above described **EXCEPT:** As to the tract described in said position and known as the Marion Epplwy Tract and upon which said appraisers have not yet made a report, and the A. T. Blanton tract, from which an appeal has been entered from the report of said appraisers, and this cause is retained for the purpose of the adjudication of any and all claims that may be asserted in, to or against the money to be paid into the Court for the petitioner for all of said tracts, except said Eppley and Blanton tracts, pursuant to the provisions of this judgment, and for no other purposes whatsoever. This cause is however, retained for the further consideration and adjudication of the rights of the petitioner in regard to said tracts of said Marion Eppley and said A. T. Blanton.

This the 24th day of April, 1930.

V. A. Browning
Clerk Superior Court
Swain County.

STATE OF NORTH CAROLINA,
SWAIN COUNTY.

IN THE SUPERIOR COURT:

I, Vance Browning, Clerk Superior Court of Swain County, North Carolina do hereby certify that the foregoing is a true and perfect copy of the final judgment in the case of State of North Carolina, Petitioner, Against Laura Wiggins, Bob Wiggins, Josie Rogers and others, respondents as the same appears on file and is recorded in Minute Docket Special Proceeding Book No. 3, at Page 542 in My said Office.

Witness my hand and Official Seal, this the 24th day of April, 1930.

V. A. Browning
Clerk Superior Court
Swain County.

STATE OF NORTH CAROLINA
SWAIN COUNTY

Filed for Registration on this the 25th day of April, 1930 at 3:10 o'clock P. M., and registered in the Office of the Register of Deeds of Swain County, North Carolina on the 28th day of April, 1930 at 1:15 o'clock, P.M., in Book 59, at page 95 etc.

Ellis Burnett
Register of Deeds
Swain County