

NORTH CAROLINA
SWAIN COUNTY

The foregoing certificate of Will W. Wiggins, a Notary Public of Swain County, is adjudged to be correct. Let the instrument and the certificates be registered. This 19 day of March, 1930.

V.A. Browning C.S.C.

Filed for registration at 9:00 o'clock A.M., March 20 1930 and registered in the office of the Register of Deeds for Swain County, North Carolina, in Book 59 page 67 March 20 1930.

Ellie Burnett
Register of Deeds

STATE OF NORTH CAROLINA
COUNTY OF SWAIN

IN THE SUPERIOR COURT

STATE OF NORTH CAROLINA, Petitioner,

VERSUS

Mark Cathey, Justine Sherrill, William Sherrill, Rowena Thompson, Roy Thompson, Minnie Thompson, Holland Wiggins, William Wiggins, Lillie Wiggins, Maggie Wiggins, John Thompson, Thompson, Julia Jackson, Frank Earl, Sarah Earl, Amanda Price and husband, Price, Nora Lambert, Ed Lambert, Julia Jenkins, Jane Camby, J. C. Camby, Lutisha Moose, Joe Moose, Elmer Jenkins, Josephine Jenkins, Joshua Howard and wife, Theodora Howard and wife, Roy Howard and wife, Carrie Totherow and husband, Orpha Mendenhall, W. C. Mendenhall, M. C. Millsaps, Hattie Millsaps, Josephine Maddox, Nenie Sherill, William Sherrill, Jim Millsaps, Lillie Millsaps, John Millsaps, Mary Millsaps, Louis Cunningham, Nannie Cunningham, Duicie Cunningham, Glenn Cunningham, John Earl and wife, Everett Earl, Dr. Hermon Earl and wife, B. Burrell and wife, Lillie Burrell, Docia Moales, Arthur Moales, infant son of W. L. Cope and Docie Cope Moales, Mary Mashburn, George Mashburn, Julia Chastine, Sam Chastine, Rosa Ensley, Ellis Ensley, Rebecca Ensley, and husband, Dollie Ensley, Austin Ensley, George Cope and wife, Delphia Cope, T. J. Edwards, Mae Edwards, Mattie McLean, Thuman Leatherwood, Trustee, Dr. H. W. Tidmarsh, Dr. J. L. Reeves, C. B. Mott, Julia Davis Mott, T. J. Ferguson, S. R. Patterson, Merchantile Supply Company, Will Orr, Florence Orr, Ed Cline Minnie Cline, Maude Seay, Rebecca Swaim, Carlos Swaim, Lawrence Swain, Benjamin Swain, Josie Lollis, Ben Lollis, Martha Lollis, Tellie Woody, Samuel Woody, Fred Lollis, Laura Medford, Charles Medford, Frank Lollis, Nellie Lollis, Arthur Lollis, Lloyd Lollis, Jack Lollis, N. Verne Lollis, W. T. Conley, Frank Conley, Claude Conley and wife, Hattie Epps, A. L. Epps, A. L. Epps, Ida Conley, Lillie ~~Conley~~, George Fisher, William Bryson, Americus Gibson, Talitha Ward, ~~Jad Ward~~, Clementine Enloe, B. M. Enloe, C. J. Harris, H. A. Davis and wife, ~~Davis~~ Robert Swaim, A. J. Franklin, Trustee, A. J. Franklin, Jr., B. C. ~~Thomas~~, Lillie Reid and husband Fred Reed, Cling Cope and wife, Walter Cope and wife, Hamilton Cope Heirs as follows: Mary Cope, widow, Cling Cope and wife, Pearley Cope, Dillard Cope and wife, Hattie, Ollie Cope Ashe and husband, Hershel Ashe, Martha Cope Russell and husband, Frank Russell, and Zonia Cope and husband.

FINAL

JUDGMENT

Respondents

This cause coming on to be heard before the undersigned, Clerk of the Superior Court of Swain County, North Carolina on this the 20th day of February, 1930 and upon the motion of counsel for the 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:

-1-

That this proceeding is duly constituted in this court; that summons was issued therein on the 26th day of November, 1929 and that the duly verified petition of the State of North Carolina was on said day duly filed in this court and that the duly verified petition was on said date duly filed in this court together with copies thereof as provided by law and the said summons was duly served upon the several respondents herein and every of them in all respects as required by law and that the notice required by Chapter 48, Section 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 having 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 December 5, 1929, 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 whose names are contained and fully set out in said order of publication and that said order of publication was duly published for the time required by law in the Bryson City Times, a newspaper 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 said Bryson City Times, a secular newspaper published in Swain County, North Carolina, for the time required by law; and that the affidavits of the printer of said newspaper showing the publication of said notices as required by law has been duly filed and is of record in this proceeding and that thereafter, to-wit: On January 6, 1930, T. J. Edwards, one of said respondents filed an answer in this proceeding and that on December 14, 1929, Mark Cathey, another of said respondents filed an answer herein and that on January 14, 1930, Josie Lollis, on behalf of herself and the children and heirs at law of A. T. Lollis, whose names are set out in the summons and in the petition, duly filed and answer individually and as guardian for such of said heirs at law of A. T. Lollis as are minors, the said Josie Lollis having appointed and qualified before the Clerk of Superior Court of Swain County as guardian for such minors; that A. J. Franklin, one of said respondents filed an answer in said proceeding and that Mary Mashburn and others on January 15, 1930, duly filed their answer herein; that thereafter Cling Cope and wife, Walter Cope and wife, Mary Cope, widow of Hamilton Cope, Cling Cope, and wife, Pearley Cope, Dillard Cope and wife, Hattie Cope, Ollie Cope Ashe and husband, Hershel Ashe, Martha Cope Russell and husband, Frank Russell, Zonia Cope and husband, ~~came into court through their attorney, Corsey C. Buchanan, and made themselves parties to said proceedings and filed an answer therein;~~

and 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 to other persons, firms or corporation has appeared herein or in any manner asserted any interest in the subject matter of this action and proceeding, others that those whose names are set out in said summons and petition and those who have subsequently made themselves parties hereto as hereinabove set out, all of which will more fully appear by the 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 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 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 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, towit: On the 4th day of January 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, R. P. Abbott and J. L. Wiggins 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, towit: On the 30th day of January, 1930, said Commissioners having gone upon said lands and viewed the same and having held the evidence of such of said respondents as desired to present evidence to said Commissioners, made a written report of their said proceedings 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 a record of the proceedings herein which are hereby more particularly referred to.

-7-

That the commissioners and appraisers by their report, 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:

Tract No. 1 Described in said petition claimed and owned by Mark Cathey and being Tract No. 158 as shown by the Survey of the North Carolina Park Commission at the sum of \$1600.00

Tract No. 3 In said petition claimed to be owned by Docia Moales and husband, Arthur Moales et al, being tract No. 163 as shown by the survey of the North Carolina Park Commission at the sum of \$883.00.

Tract No. 4 described in said petition being the lands owned and claimed by T. J. Edwards and wife, Mary Edwards, being Tract No. 166 as shown by the survey of the North Carolina Park Commission at the sum of \$800.00.

Tract No. 5 described in said petition being the lands owned and claimed by Will Orr and wife, being tract No. 186 as shown by the survey of the North Carolina Park Commission at the sum of \$743.70.

Tract No. 6 described in said petition, the same being the lands owned and claimed by Ed Cline and wife and being Tract No. 128, as shown by the survey of the North Carolina Park Commission at the sum of \$1600.00.

Tract No. 7 described in said petition being the property owned and claimed by Mrs. Rebecca Swain and others and being Tract No. 150 as shown by the survey of the North Carolina Park Commission at the sum of \$500.00 Said Court further finding that Mrs. Rebecca Swain owns a portion of said land individually and this portion was appraised at \$400.00 and the remaining portion was owned jointly by Mrs. Rebecca Swain, Carlos Swain, Laurence Swain, Benjamin Swain, which said Commissioners appraised at \$100.00 making the total of \$500.00 above mentioned for said tract.

Tract No. 8 described in said petition being the land owned and claimed by Josie Lollis, widow of A.T. Lollis, and Ben Lollis and others named in said report and said petition as heirs at law of A.T. Lollis and being tracts Nos. 146 and 146-a as shown by survey of the North Carolina Park Commission, at the sum of \$4500.00

Tract No. 9 described in said petition and being the land owned and claimed by H.A. Davis and wife, and being tract No. 120 as shown by the survey made by the North Carolina Park Commission, at the sum of \$2000.00.

The mineral interest of C.J. Harris in that portion of the lands described in the petition known as the Lollis land at the sum of \$100.00.

The mineral interest of C.J. Harris in that portion of said land embraced in Tract No. 148, at the sum of \$100.00

That said report of said Commissioners and appraisers has been on file in this court since the 30th day of January, 1930 and no objection or exception whatsoever has been filed to said report by any of the parties to this cause or any other person whatsoever.

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 herein 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 and 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 Tract No. 1 as described in said petition, the sum of \$1800.00, less the sum of \$600, which has heretofore been paid to Mark Cathey, the owner of said lands, by the petitioner, leaving the balance due on account of the compensation, therefor a total sum of \$1200.00.

For Tract No. 3 described in said petition, sum of \$883.00

For Tract No. 4 described in said petition, sum of \$800.00

For Tract No. 5 described in said petition, sum of 743.70

For Tract No. 6. described in said petition, sum of \$1600.00

For Tract No. 7 described in said petition, sum of 500.00

For Tract No. 8 described in said petition, sum of \$4500.00 less \$750.00 heretofore paid by the petitioner to the said Josie Lollis, representing the purchase money for a portion of the lands described in the petition to which said Josie Lollis had fee simple title individually and which she has heretofore conveyed to the Petitioner as appears by deed of record. The total balance of compensation to be paid into the court on account of said tract being the sum of \$3750.00.

For the 9th tract described in said petition, the sum of \$2000.00.

For the mineral interest of C.J. Harris in the Lollis lands referred to in paragraphs 17 and 18 of the petition, the sum of \$100.00, and for the mineral interest of C.J. Harris in Tract No. 148 referred to in paragraph 20 of said petition, the sum of \$100.00.

The amounts hereinbefore set out represent the amounts for which such of said several tracts were appraised by said Commissioners, subject to payments heretofore made to said Mark Cathey and said Josie Lollis on tracts owned by them as hereinbefore set out, the said amounts of money to be paid out and disposed under the orders of this court to the party or parties, person or persons entitled thereto as their interest or interests severally may be 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 or and from all adverse claims, liens and encumbrances whatsoever, and the respondents and all other persons whomever 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 hereby remitted solely to the right of recourse upon the money so paid into court by the petitioner as provided by law.

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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:

Tract No. (1) being Tract No. (158) as shown by survey by North Carolina Park Commission and described as follows:

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 7 of the Hattie McCracken Tract (154-a), a chestnut stump with witnesses in line of the Champion Fibre Company Tract (1); Thence, with lines of the Hattie McCracken Tract (154-a) South 64-34 East 12.19 chains, corner 2, which is corner 2 of the J.L. Cathey Tract (157), a large white oak stump, shown by Mark Cathey as corner, witnessed by a persimmon and hemlock; Thence with a line of the J.L. Cathey Tract (157) South 88-31 East 40.05 chains, corner 3, which is a corner of the J.L. Stiles Tract (159) and a corner of the J.B. Queen Tract (164), a chestnut oak stump with a dogwood witness; Thence, with lines of the J.L. Stiles Tract (159) North 1-05 East 26-56 chains, corner 4, a point on east bank of Indian Creek, in mouth of small branch, shown by Mark Cathey South 77-55 West 1.56 chains, corner 5, which is corner 5 of the Columbus Kitchen Tract (123), a 10" chestnut stump on North bank of Indian Creek, set a post scribed C.K. Cor. 4; Thence, with a line of the Columbus Kitchen Tract (123) South 60-52 West 5.84 chains, corner 6, which is corner 2 of the A.T. Blanton Tract (124), a point on a ridge, set a post scribed B, a chestnut witness; Thence, with lines of the A.T. Blanton Tract (124) South 66-36 West 25.41 chains, corner 7, a 16" pine with witnesses, blazed and scribed B-1 North 4-12 East 2.41 chains, corner 8, which is corner 90 of the Champion Fibre Co. Tract (1), a point at intersection with a line of Exception 34 in the

deed from Harris Woodbury Lumber Company to the Champion Fibre Company; Thence, with a line of the Champion Fibre Co. Tract (1) South 66-23 West 23.46 chains, the place of BEGINNING, containing 76.22 acres.
Tract No. (2) being Tract (163) as shown by survey by North Carolina Park Commission and described as follows:

BEGINNING, at corner 1, which is corner 4 of the J.T. Queen Tract (160), a 6" hickory with old marks, on North side of ridge;

Thence, with lines of the J. T. Queen tract (160) South 63-56 East 6.33 chains, corner 2, a 16" chestnut with marks and witnesses, blazed and scribed Q-1, a 6" black oak blazed and scribed B.T. Q-1, bears North 80-00 East .15 chain distant South 86-05 East .90 chains, corner 3, a 6" black gum with old marks, blazed and scribed Q-2 South 89-49 East ~~xx~~ 1.73 chains, corner 4, a 16" spanish oak with old marks, on ridge top North 78-32 East 7.05 chains, corner 5, a 14" scarlet oak South 81-20 East 10.49 chains, corner 6, an oak stump with witnesses, a 14" white oak blazed and scribed B.T. bears south 73-00 West .25 chain distant North 39-51 East .66 chains, corner 7, a large chestnut with old marks South 37-12 East 1.86 chains, corner 8, which is corner 1, of the Mrs. Beatrice Ely Tract (162), a 12" locust with marks, blazed and scribed Q-4;

Thence with a line of the Mrs. Beatrice Ely Tract (162) South 33-34 East 4.63 chains, corner 9, a 8" hickory on divide between Galbraith Creek and Indian Creek, blazed and scribed E-1; Thence with the meanders of dividing ridge, leaving the Mrs. Ely Tract South 47-18 West, 2.73 chains; South 14-20 West 4.93 chains; South 35-14 West 3.87 chains; South 80-53 West 2.54 chains; South 24-09 West 5.78 chains; South 49-57 West 2.44 chains; South 42-09 West 5.93 chains; South 66-33 West 4.26 chains; North 79-19 West 2.00 chains; North 67-05 West 4.34 chains; North 85-24 West 2.68 chains; South 68-37 West 4.99 chains; South 86-08 West 3.27 chains; South 89-13 West 2.40 chains a point where spur ridge leaves the main divide North 62-12 West with spur ridge 3.88 chains; South 64-00 West 3.04 chains, corner 10, which is corner 2, of the J.B. Queen Tract (164), and corner 2, of the J. L. Stiles Tract (159), a planted stone at intersection of marked lines;

Thence with lines of the J. L. Stiles Tract (159) North 4.05 East 3.28 chains, corner 11, a 14" hickory with old marks, on spur ridge North 59-10 East 1.86 chains, corner 12, a large chestnut with old marks, in head of hollow North 27-53 East 29.46 chains, the place of BEGINNING, containing 88.32 acres.

Tract No. (3) being tract No. (166)

as shown by survey by North Carolina Park Commission

and described as follows:

BEGINNING at corner 1, a spanish oak with corner marks on Sigman Ridge; Thence up the Sigman Ridge with its meanders North 55-40 West 4.66 chains; North 52-50 West 2.52 chains; North 63-10 West 2.75 chains; North 52-20 West 2.72 chains; North 32-50 West 2.63 chains; North 60-43 West 5.81 chains; North 58-47 West 5.63 chains; corner 2, which is corner 72 of the Champion Fibre Company, Tract, a spanish oak with old marks;

Thence, with four lines of the Champion Fibre Company Tract (1) North 47-28 East 10.68 chains, corner 3, a small black oak with corner marks and witnesses, on a ridge top, a 10" spanish oak, blazed and scribed B. T. S. -6, bears south 45-00 West .27 chain distant, North 13-33 East 1.61 chains, corner 4, a small maple with corner marks South 88-23 East 4.33 chains, corner 5 a locust post with witnesses, on a ridge scribed S-4, a large chestnut, blazed and scribed B.T.S. -4, bears North .20 chain distant; South 68-45 East 14.47 chains, Deep Creek flows South 22.16 chains, corner 6, which is corner 2 of the W. P. Shuler Tract (127), a point on ridge top, with a white oak witness, and in a line of the Champion Fibre Company. Tract (1);

Thence, down the ridge with its meanders South 77-09 West 3.45 chains; South 53-04 West 4.21 chains; South 53-55 West 4.41 chains; South 34-24 West 3.96 chains, corner 7, a locust stump on the west bank of Deep Creek; Thence, down Deep Creek with its meanders South 26-05 East 2.53 chains; South 65-14 East 4.98 chains, corner 8, the N.W. corner of the Will Jenkins Tract (125-a), a walnut marked as a corner, on the bank of Deep Creek;

Thence, South 42-21 East 3.07 chains, corner 9, a point in the Center of Deep Creek; Thence, North 88-40 West 6.73 chains, the place of BEGINNING, containing 36.58 acres.

Tract No. (4) being Tract No. (186) as shown by survey by

North Carolina Park Commission and described as follows

Lying on the North side of the Tennessee River about one mile East of Twenty Mile Creek;

BEGINNING at corner 1, which is corner 4 of the Roscoe Marvel Tract (186), an iron pipe beside a small stream in the contour which forms the boundary of the Tallahassee Power Company Tract:

Thence, with lines of the Roscoe Marvel Tract (186) North 49-39 East 22.02 chains, corner 2, a dogwood post scribed W. O. Cor. 2, a 20" chestnut, blazed and scribed B.T.W.O. Cor. 2, bears North 11-30 East .27 chain distant North 35-06 West 22.02 chains, corner 3, a 10" black oak, corner mark, blazed and scribed W. O. Cor. 3,; South 58-41 West 7.00 chains, corner 4, a 12" black oak with corner marks, blazed and scribed W. O. Cor. 4, South 33-50 West 18.86 chains, corner 5, a 15" black gum with corner marks at intersection with the contour forming the Tallahassee Power Company boundary, blazed and scribed W. O. Cor. 5;

Thence with the Contour forming the Tallahassee Power Co. boundary South 50-08 East 2.50 chains, an iron pipe; South 56-15 East 4.27 chains; South 23-55 East 6.49 chains, an iron pipe; South 45-31 East 4.32 chains; North 89-30 East 1.21 chains, the place of beginning, containing 49.58 acres.

Tract No. (5) being Tract (128) as shown by survey by

North Carolina Park Commission and described as follows:

Lying on the western bank of Deep Creek and about half a mile above the mouth of Indian Creek.

BEGINNING at Corner 1, a planted stone, which is corner 1 of the Will Jenkins Tract (125); Thence, with the Jenkins Tract (125) North 73-07 West .66 chains, corner 2, a planted stone; Thence, also with the ridge meanders South 53-23 West 4.03 chains; North 64-42 West 2.06 chains; North 45-48 West 4.04 chains; North 49-03 West 2.58 chains; North 57-30 West 1.59 chains; North 44-00 West 2.53 chains; North 57-01 West 2.77 chains; North 69-15 West 2.91 chains; North 47-00 West 2.55 chains; North 54-19 West 1.16 chains; corner 3, a point with witnesses, on the divide, set a post in a mound of stones, a 12" chestnut oak, blazed and scribed B.T., bears South 66-00 West .15 chain distant, a 12" chestnut, blazed and scribed B. T. bears North .18 chain distant corner 80 of the Champion Fibre Company Tract (1), and corner 5 of the Jenkins Tract (125);

Thence, with five lines of the Champion Fibre Company Tract (1) South 22-58 West 11.07 chains, corner 4, a pine stump with witnesses, on top of the divide, an 8" pine, blazed and scribed B.T. bears North 70-00 West .18 chain distant South 18-23 East 7.44 chains, corner 5, a 26" spanish oak, with corner witnesses, on top of the divide South 1-00 East 5.08 chains, corner 6, a 16" pine with witnesses on top of the divide South 51-35 East 5.86 chains, corner 7, a large chestnut with old markings on top of the divide, a 12" spanish oak, blazed and scribed B. T. bears West .27 chain distant; South 87-00 East 16.76 chains, corner 8, a point with witnesses on the west bank of Deep Creek set a post in a mound of stones, a 14" cucumber, blazed and scribed B. T. bears South 30-00 East .20 chain distant, corner 1 of the Jenkins Tract (125), and corner 85 of the Champion Fibre Company Tract (1);

Thence, with two lines of the Jenkins Tract (125) North 22-27 East 10.02 chains, corner 9, a point shown by W. M. Jenkins as site of chestnut corner set a post scribed J. 5 North 0-42 East 5.04 chains, the place of BEGINNING, containing 45.63 acres.

Tract (6) being tract No. (150) as shown by survey by

North Carolina Park Commission and described as follows:

BEGINNING at corner 1, which is corner 6 of the A. T. Lollis tract (146-a), a point at corner of wire fence; Thence with lines of the A. T. Lollis Tract (146-a) North 34-41 East 2.48 chains, corner 2, a point at corner of wire fence South 72-10 East 1.99 chains, corner 3, a point in Deep Creek Road; Thence South 15-30 West with meanders of road and still the A. T. Lollis Tract (146-a) 3.87 chains; South 26-57 West .92 chains corner 4, a point in road South 48-36 East 1.38 chains, corner 5, a sycamore with marks, on west bank of Deep Creek; Thence South 5-15 West .40 chains, corner 6, a small alder with marks; Thence North 66-22 West 3.24 chains corner 7, a planted stone, corner of the Church lot;

Thence, North 40-47 East 1.38 chains, corner 8, a point in old road leading to the Deep Creek School; Thence, North 19-37 West 2.26 chains, the place of BEGINNING containing 1.25 acres.

Also another tract being the lands conveyed by A. T. Lollis and wife to A. S. Swaim by deed dated April 19, 1913 and registered in Swain County in Book 39, page 224 and more particularly described as follows:

BEGINNING on a hickory near the East bank of Deep Creek and runs North 6 East up the creek to a W. O. near the bank of the creek; then West crossing Deep Creek to a stake in the public road; then down the center of the public road 30 poles to a stake between Tom Lollis and A. S. Swaim; then West with Tom Lollis line 2 poles to the School house line J. E. Morris' then crossing Deep Creek 8 poles to the BEGINNING, containing two acres more or less; the two tracts containing a total of 3.25 acres.

Tract No.(7) being Tract No. (146) as shown by the survey by

North Carolina Park Commission and described as follows:

BEGINNING at corner 1, which is a corner of the Town of Bryson Tract (156), a point on East slope, set a post;

Thence with lines of the Town of Bryson Tract (156) South 32-55 West 1.75 chains, corner 2, a point with witnesses, on steep S. E. slope; South 63-37 East 1.88 chains, corner 3, a point on West bank of Deep Creek, set a post; Thence down deep creek, and still with the town of Bryson Tract (156) South 57-17 West 6.65 chains, corner 4, a point on West Bank of Deep Creek, with a beech and a red oak witness, a corner of the W. J. Shuler Tract (147); thence with lines of the W. H. Shuler Tract (147) North 80-30 West 2.31 chains, corner 5, a cluster of dogwood with marks and witnesses South 88-39 West 6.35 chains, corner 6, a small hickory with marks and witnesses, on ridge top South 2-47 West down ridge 2.28 chains, corner 7, a small white oak with marks and witnesses South 10-59 East 2.29 chains, corner 8, a small chestnut with marks South 12-23 West 2.88 chains, corner 9, a sourwood with marks; South 8-53 East 1.76 chains, corner 10 a small dogwood South 35-17 West 3.72 chains, corner 11, a small dogwood with marks and witnesses, a corner of the Hattie McCracken Tract (154);

Thence, with lines of the Hattie McCracken Tract (154) North 41-11 West 1.09 chains, corner 12, a point with witnesses South 31-32 West 3.36 chains, corner 13, a point with witnesses, in edge of old road and on bank of small stream South 9-41 West with meanders of road 2.77 chains; South 31-05 West 1.62 chains; South 51-55 West 1.79 chains; South 21-05 West 1.18 chains; corner 14, a small spanish oak in forks of road, corner 1, of the J. A. Morris Tract (148); Thence, with lines of the J. A. Morris Tract (148) North 39-13 West with meanders of road 4.05 chains; North 46-53 West 3.68 chains; South 78-34 West 1.23 chains; North 48-30 West 1.36 chains; corner 15, a large chestnut stump .25 chain North of stream;

Thence, North 88-58 West leaving road, and still with lines of J. A. Morris Tract (148) 9.35 chains, corner 16, a forked dogwood with marks, in edge of field North 53-30 West 1.27 chains, corner 17 a point in field, set a post scribed M.L. South 47-27 West 2.40 chains, small stream 19.86 chains, corner 18, a point at intersection of marked lines, S. E. of a spur ridge, set a post South 1-21 West 3.83 chains, corner 19, a point in marked line, shown by B. Shuler as site of corner; Thence South 86-56 West 8.24 chains, corner 20, a point on bank of Durham Branch, shown by B. Shuler, set a locust post, witnesses by a 6" poplar;

Thence, North 41-40 West 9.41 chains, corner 21, a point in field 1.00 chain S. W. of Durham Branch, set a locust post; Thence, North 73-40 West 3.71 chains corner 22, a point with witnesses on steep N. E. slope set a post; Thence, North 0-51 West 4.00 chains, Durham Branch, 6.53 chains, corner 23, a point in the line of the Champion Fibre Company Tract (1), set a post;

Thence, with lines of the Champion Fibre Company Tract (1) North 65-52 East 2.56 chains, corner 24, which is corner 106 of the Champion Fibre Company Tract (1), a point on steep South slope, set a post scribed C. F.; North 28-33 West 6.35 chains, corner 25, a 16" pine with old markings, on a ridge; North 30-27 East 6.89 chains, small stream flows East 11.89 chains, corner 26 which is corner 1 of the Ben Lollis Tract (144) a 6" black gum with old markings and witnesses, blazed and scribed C. F. a 6" pine blazed and scribed B. T. C. F. bears South 81-00 West .20 chain distant;

Thence, with lines of the Ben Lollis Tract (144) South 62-38 East 2.50 chains, corner 27, a stake in a hollow set a chestnut post North 56-51 East 2.42 chains, corner 28, a point on spur ridge set a post South 61-54 East 5.41 chains, corner 29, which is corner 1 of the Lee Wiggins Tract (145) an 8" white oak with marks and paint; Thence, with lines of the Lee Wiggins Tract (145) South 40-49 East 6.70 chains, corner 30 a large chestnut stump, shown by Lee Wiggins set a post North 42-22 East 13.52 Junwhank, 14.52 chains, corner 31 a 6" poplar on bank of small stream shown by Lee Wiggins, witnessed by a 10" poplar North 48-12 East 12.87 chains, corner 22, a point on top of knob, in line of the Marion Eppley Tract (145-a);

Thence, with lines of the Marion Eppley Tract (145-a) South 19-02 East 11.99 chains, corner 33, a point on ridge top North 66-21 East 13-33 chains, corner 34, a 14" black oak with old marks, on ridge top South 36-12 East 4.33 chains, corner 35 a 16" dead white oak with old marks North 34-35 East 7.07 chains, corner 36, a 6" spanish oak with marks and witnesses South 71-33 East 11.38 chains, the Place of BEGINNING, containing 143.97 acres.

Tract (8) it being tract No. (146-a) as shown by survey by

North Carolina Park Commission and described as follows:

BEGINNING at corner 1, a planted stone;

Thence, South 88-03 East 2.73 chains, corner 2, a large chestnut stump, 1.00 chain south of Durham Branch set a locust post; Thence, South 48-37 East 3.95 chains, corner 3, a point in old road, a corner of the cemetery lot, witnesses by two locusts and a black gum; Thence, with two lines of the cemetery lot North 45-25 East 1.23 chains, corner 4, a point at corner of wire fence South 40-46 East 4.70 chains, corner 5, which is a corner of the Deep Creek School lot, a planted stone;

Thence, South 39-50 East 2.27 chains, corner 6, which is corner 1 of the Mrs. Swaim Tract (150) a point at corner of wire fence; Thence, with lines of the Mrs. Swaim Tract (150) North 34-41 East 2.48 chains, corner 7, a point at corner of wire fence, South 72-10 East 1.99 chains, corner 8, a point in Deep Creek road; Thence, South 15-30 West with meanders of road and still with Mrs. Swaim Tract (150) 3.87 chains, a point; South 26-57 West .92 chains, corner 9, a point in the road South 46-36 East 1.38 chains, corner 10, a sycamore with marks, on west bank of Deep Creek; Thence, South 63-54 East crossing creek 1.01 chains, corner 11, a small hickory on east bank of creek; Thence, up east bank of Creek North 25-52 East 1.40 chains, corner 12, which is corner 1 of the Mae Wilson Tract (151) a 12" beech on East bank of Deep Creek and on West side of public road, blazed and scribed W-1;

Thence, up the creek with the Mae Wilson Tract (151) North 6-11 East 9.55 chains, corner 15, which is a corner of the J. A. Morris Tract (148), a point in center of creek; Thence, with lines of the J. A. Morris Tract (148) North 50-12 West 12-15 chains, corner 14 a flint rock, a point of ridge North 30-03 West 9.75 corner 15, a planted stone at edge of field, a corner of the J. E. Shuler land; Thence with the line of the J. E. Shuler land South 4-27 West 14.56 chains, the place of BEGINNING, containing 16.74 acres.

Excepting However, from the last above described tract the following tract of land;

BEGINNING on a hickory near the East bank of Deep Creek and runs North 6 East up the creek to a . O. near the bank of the creek; then West crossing Deep Creek to a stake in the public road; then down with the center of the public road 30 poles to a stake between Tom Lollis and A. S. Swaim; then west with Tom Lollis line 2 poles to the school house line J. E. Morris Line; then crossing Deep Creek 8 poles to the BEGINNING, containing Two acres more or less, being the land conveyed by A. T. Lollis and wife to A. S. Swaim by deed dated April 19, 1913 and registered in Swain County in Book 39, page 224

Tract No. (9) being tract No. (120)

AS SHOWN BY SURVEY BY NORTH CAROLINA

Park Commission and described as follows:

Lying in a southeastern direction and about 30 chains distant Indian Creek, being a part of Exception 6 to the Champion Fibre Co. Tract (1)

BEGINNING at corner 1, a large white oak stump with witnesses a 12" chestnut blazed and scribed S. T. H. 1, bears South 48-00 West .27 chain distant, a 12" chestnut blazed and scribed B. T. H. -1 bears North 52-00 West .22 chain distant; Thence, North 12-32 West 49.27 chains, corner 2, a large red oak with old marks and witnesses, blazed and scribed H-2; Thence, North 57-29 West 2.86 chains, corner 3, a point at corner of wire fence, corner 1 of the J. H. Queen Tract (119);

Thence, with the Queen Tract (119) South 40-38 West 9.40 chains, corner 4, a stump at corner of fence set a sassafras post scribed Q-6 South 4-25 East 2.79 chains, corner 5, set a post in a mound of stones scribed Q-5 South 44-02 West 6.52 chains, corner 6, a point .20 chain North of Small Stream, shown by Queen set a sassafras post scribed Q-4 North 8-50 West .51 chains corner 7, a point shown by Queen as site of corner, set a post scribed Q-3, a 10" maple bears South 84-00 West .20 chain distant, blazed and scribed B.T.Q.-3 South 71-59 West 2.01 chains, corner 8, a chestnut stump at corner of rail fence, blazed and scribed Q-2 identified by J. H. Queen North 43-37 West 9.02 chains, corner 9, a fallen hemlock shown as corner of Joe Queen set a post scribed Q-1 corner 3 of the Queen Tract (119);

Thence, South 11-15 West 32.87 chains, corner 10, a chestnut oak stump with witnesses, set a post scribed H-4; Thence, South 61-36 East 18.93 chains, the place of BEGINNING, containing 69.21 acres.

And also all of the mining and mineral interests of every kind and nature of the respondent C. J. Harris in said tracts of land herein described and described in the petition or any of them, and also, all of the mining and mineral interest of said C. J. Harris in Tract No. (148) as shown by the survey of the North Carolina Park Commission known as the J. A. Morris Tract and conveyed to said C. J. Harris by W. L. Morris and wife, by deed dated Feb. 27, 1905 and recorded in Swain County, North Carolina to which reference is made for further description.

IT IS FURTHER CONSIDERED, ORDERED 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 cost of this judgment to be taxed by the Clerk, shall be paid by the petitioner. 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, but this cause is retained for the purpose of adjudication of any and all claims that may be asserted in, to or against the money to be paid into the Court by the petitioner, pursuant to the provisions of this judgment, and for no other purposes, whatsoever.

This the 21st day of February, 1930.

V. A. Browning
Clerk Superior Court, Swain County.

NORTH CAROLINA :

IN THE SUPERIOR COURT

SWAIN COUNTY :

I, V. A. Browning, Clerk of the Superior Court of Swain County, North Carolina, do hereby certify that the foregoing is a true and perfect copy of the final judgment and decree in the above entitled Special Proceeding brought by the State of North Carolina, petitioner, against Mark Cathey and others, respondents, as the ~~same~~ appears on file and is recorded in Minute Docket# Special Proceedings Book 3 at page 490 in my said office.

Witness my hand and official seal this the 20 day of March, 1930.

V. A. Browning
Clerk Superior Court of Swain County,
North Carolina.

Filed for registration at 9:00 o'clock A. M. March 20, 1930, and registered in the office of the Register of Deeds for Swain County, North Carolina, in Book 59, page 68, March 25, 1930.

Ellis Burnette
Register of Deeds.

NORTH CAROLINA:

SWAIN COUNTY :

This deed made this 21st day of March 1930, by and between Hattie Floyd Hayes and husband J. C. Hayes of Jackson County, North Carolina, parties of the first part, to Gola P. Ferguson of Swain County, North Carolina, party of the second part;

W I T N E S S E T H:

That for and in consideration of the sum of Three Hundred and Sixty and .68/100 DOLLARS (\$366.68) to them in hand paid the receipt of which is hereby acknowledged the said party of the first part has bargained, sold and do by these presents bargain, sell and convey unto the party of the second part his heirs and assigns all their right, title and interest, being an undivided one-third interest in the following described tract of land, situated, lying and being on Ragan's Prong of Oconaluftee River in Oconaluftee Township of Swain County, North Carolina and more particularly described as follows:

BEGINNING at Corner 1, a beech stump, the beginning corner of Grant No. 978; North 5-56 West 7.40 chains to a point with witnesses in a flat; North 27-51 West crossing branch at 4.90 chains, whole distance 9.52 chains to corner with 2 dogwood witnesses; North 87-56 West 19.21 chains to a post; South 2-18 West 15.35 chains to a locust post; South 87-09 East 25.05 chains to BEGINNING, containing 35.47 acres.

TO HAVE AND TO HOLD an undivided One-Third interest in the above described tract of land to the said Gola P. Ferguson his heirs and assigns to their only use and behoof forever.

IN TESTIMONY WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Hattie Floyd Hayes (SEAL)

J. C. Hayes (SEAL)