

the said execution, and of his said office of Sheriff, grant, sell, convey and confirm the same.

IN ATTESTATION WHEREOF, the said party of the first part, Sheriff as aforesaid hath hereunto set his hand and seal, the day and year first above written.

S.R.Patterson (SEAL)
SHERIFF OF SWAIN COUNTY,
NORTH CAROLINA.

NORTH CAROLINA
SWAIN COUNTY

I, V.A.Browning, Clerk of the Superior Court of Swain County, North Carolina, do hereby certify that this day personally appeared before me S.R.Patterson, Sheriff of Swain County, N.C., to me well known to be the person named in and who makes the foregoing and attached deed as his act and deed for the purposes therein expressed. Therefore, let the said instrument, with this certificate, be registered in Swain County, North Carolina.

Witness my hand this the 21 day of April, 1932..

V. A. Browning
Clerk Superior Court of Swain County.
N.C.

Filed for registration at 9:00 o'clock A.M. May 2, 1932 and registered in the office of the Register of Deeds for Swain County, North Carolina, in Book 60, at page 239.

Frank Hight
Register of Deeds.

NORTH CAROLINA, : IN THE SUPERIOR COURT
BUNCOMBE COUNTY. : BEFORE THE CLERK.

STATE OF NORTH CAROLINA, :
Petitioner, :
-vs- :
J.M.AYERS, J.H.WILSON and :
LEVI MATHIS, Trustees of LUFTY :
BAPTIST CHURCH (commonly called :
SMOKEMONT BAPTIST CHURCH), to- :
gether with any and all other :
Trustees and Deacons; and C.F. :
AYERS, ARNOLD BECK, GADDIS BECK, :
LIZZIE BECK, MARY BECK, J.S. :
BRADLEY, OLLIE BRADLEY, MRS. J. :
S. CONNOR, LESSIE CONNOR, R.M. :
CONNOR, JAMES HENSLEY, ADA LAM- :
BERT, CARRIE LAMBERT, FLORENCE :
LAMBERT, MARIE LAMBERT, RECTEN- :
BER LAMBERT, ORVILLE MANEY, SAL- :
LIE MANEY, LEVI MATHIS, LILLIE :
MATHIS, SEAB MATHIS, SUSIE :
MATHIS, WINNIE MATHIS, C.A. :
MOLES, MRS. C.A.MOLES, BASS :
QUEEN, MACIE QUEEN, MARY QUEEN, :
LULA ROLLAND, JOHN ROLLAND, MRS. :
JOHN ROLLAND, MARY TREADWAY, L. :
A. TREADWAY, J.H.WILSON and :
OLLIE WILSON, members of said :
LUFTY BAPTIST CHURCH (commonly :
called SMOKEMONT BAPTIST CHURCH), :
and any and all other members or :
persons claiming any interest in :
and to the lands claimed and held :
by said church, :
Respondents. :

FINAL JUDGMENT

This cause coming on to be heard before the undersigned Clerk of the Superior Court of Buncombe County, North Carolina, on the 19th day of April, 1932, and being heard, and the Court having found, and hereby finding, the facts as follows, to-wit:

1. That this action and proceeding is duly constituted in this Court, that is to say, that summons herein was duly issued on the 3rd day of February, 1932, and that the duly

verified petition of the State of North Carolina was on said date duly filed in this Court, and that said summons and said duly verified petition herein have been duly served upon the 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, Session of 1927, has been duly given and published, in all respects as therein required, whereby all persons whom it may concern and all persons having or claiming any estate or interest in the lands and premises sought to be condemned in this proceeding have been duly notified and required to appear in this proceeding at the time and place therein mentioned, and to make such answer, defense or plea as they may be advised; and that certain of said respondents shown in said summons to be non-residents of the State of North Carolina, have been duly served by publication, as required by law; that none of the respondents herein have filed an answer in this cause, all of which will more particularly appear by the records and files of the Court in this cause; and the Court hereby finds as a fact that no other person, firm or corporation whomsoever has appeared herein or has, in any manner, asserted any interest or claim in the subject matter of this action and proceeding.

2. That heretofore, to wit, on the 15th day of March, 1932, (the time for answering having fully elapsed and expired as to all and every of the respondents summonsed herein and of all other persons whom it may concern notified by the above recited publication and notice herein), the undersigned Clerk of the Superior Court of Buncombe County, North Carolina, duly made and entered an interlocutory judgment and order in this cause, whereby it was duly ordered and adjudged, inter alia, that the T. TROY WYCHE, JAMES L. BROWN and ERIC M. RAWLS be, and they were, duly appointed commissioners by the Court, and they were required fairly and impartially to appraise the lands mentioned in the petition herein, and to ascertain and determine the compensation which ought justly to be made by the petitioner to the party or parties owning or interested in the real estate so appraised by them, and to make a report to the Court therein, according to law, and the said commissioners were required, before entering upon their duties, to take and subscribe an oath, in form of law, that they would fairly and impartially assess and award the compensation aforesaid, as required by law, all of which will more fully appear by reference to said order, and all and singular the requirements thereof, as the same appears upon the records and files in this cause, and the said commissioners proceeded, having first been duly sworn, conformably to the provisions and requirements of said order, to duly appraise the same, as required by said order, and thereafter, to wit, on the 28th day of March, 1932, the said commissioners made written report of their said proceedings and returned the same to the Court, together with the evidence taken by them, as required by law and the order aforesaid, all of which will more particularly appear by the records of the proceedings in this cause, which are hereby particularly referred to.

3. That said commissioners and appraisers, by their report in the last preceding paragraph hereof mentioned, 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 and premises described in the petition and also appraised by them at the sum of ELEVEN HUNDRED and 00/100 DOLLARS (\$1100.00).

That said commissioners found that NO SPECIAL BENEFITS were assessible against any of said lands.

4. That none of said respondents has filed any exceptions or appeals to said report within the time allowed by law.

5. That the lands described in the petition lie wholly within the boundaries of the proposed Great Smoky Mountains National Park as defined and delimited in the Act of the

General Assembly of North Carolina, entitled "An Act to provide for the Acquisition of Parks and Recreational Facilities in the Great Smoky Mountains of North Carolina," ratified on the 25th day of February, 1927, the same being Chapter 48 of the Public Laws of North Carolina, Session of 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 aforementioned, namely, Chapter 48, Public Laws of North Carolina, Session of 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, Public Laws of North Carolina, Session of 1927, aforementioned.

6. That the right of eminent domain appertains to and resides in the petitioner as sovereign state, and that the petitioner has those other and further rights and powers to condemn and appropriate the lands described in the petition for the purposes in said petition mentioned and enumerated under and by virtue of the statute aforementioned.

7. 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 the petition:

NOW, THEREFORE, IN THE PREMISES AFORESAID AND UPON MOTION OF COUNSEL FOR THE PETITIONER, IT IS CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT, as follows:-

I.

That the interlocutory judgment and order appointing commissioners in this cause, of date the 15th day of March, 1932, hereinbefore referred to, be, and the same hereby is, in all respects, approved, ratified and confirmed.

II.

That the aforementioned report of said commissioners and appraisers, as the same appears in the records and files of this cause, be, and the same hereby is, in all respects, approved, ratified and confirmed.

III.

That the petitioner 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, the sum of ELEVEN HUNDRED and 00/100 DOLLARS (\$1100.00).

IV.

That upon payment into Court by the petitioner of the amount of money aforesaid, as particularly set forth in the last preceding section hereto, as hereinbefore and hereby required, the title to all and singular the lands, premises and real estate described in the petition and hereinafter more particularly described, shall, eo instanti, 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, Public Laws of North Carolina, Session of 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 proceeding, 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, whatsoever, the person or persons not parties hereto, having or claiming such estate or interest, if any, being hereby remitted solely to the right of recourse upon the money so paid into Court by the petitioner, and to follow said moneys, or any part thereof, into the hands of any person or persons having the same without good right thereto, as provided by law.

V.

That the lands described in the prtition, the title to which, through and by virtue of the proceedings had in this cause, becomes vested in the prtitioner, the State of North Carolina, are more fully and particularly described as follows:-

LUFTY BAPTIST CHURCH (commonly called
SMOKEMONT BAPTIST CHURCH) LOT, LYING
AND BEING ON THE OCONALUFTY RIVER WATER-
SHED, IN SWAIN COUNTY, NORTH CAROLINA,
AND BEING TRACT NO.105 (EXCEPTION NO.1
OF THE W.E.QUEEN TRACT NO.11) OF THE SURVEY
MADE BY N.C.PARK COMMISSION.

BEGINNING at Corner 1, an iron stake on the upper bank of the road, about 2.00 chains above the bridge across Ocona Lufty River. Thence, North 82 degrees 55 minutes East, 3.60 chains Corner 2, a chestnut stump; thence, North 8 degrees 30 minutes West, 1.40 chains, Corner 3, a sassafras marked as corner; thence, North 81 degrees 42 minutes West, 4.39 chains, Corner 4, a point in the road; thence, South 22 degrees East, 2.67 chains, the place of BEGINNING, containing .77 acres.

VI.

IT IS FURTHER CONSIDERED, ADJUDGED AND DECREED 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. This shall be deemed the final judgment in this cause in respect to the rights, claims, interests and obligations of the petitioner, the State of North Carolina, and in respect of the title acquired by said petitioner 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 have been or may hereafter be asserted in, to or against the money to be paid into Court by the petitioner, pursuant to the provisions of this judgment, and for no other purpose whatsoever.
This the 19th day of April, 1932.

(SIGNED) J. B. CAIN
Clerk Superior Court,
Buncombe County, North Carolina.

NORTH CAROLINA, :
: BUNCOMBE COUNTY. :

IN THE SUPERIOR COURT
BEFORE THE CLERK.

STATE OF NORTH CAROLINA, :
: Petitioner, :
: -vs- :
: J.M.AYERS, J.H.WILSON and :
: LEVI MATHIS, Trustees of LUFTY :
: BAPTIST CHURCH (commonly called :
: SMOKEMONT BAPTIST CHURCH), to- :
: gether with any and all other :
: Trustees and Deacons; and C.F. :
: AYERS, ARNOLD BECK, GADDIS BECK, :
: et al., :
: Respondents. :

I, J. B. Cain, Clerk of the Superior Court of Buncombe County, North Carolina, do hereby certify that the foregoing is a true and perfect copy of the FINAL JUDGMENT entered by the Clerk of the Superior Court in the above entitled proceeding, as the same appears on file and record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, this the 19th day of April, 1932.

(OFFICIAL SEAL)

J. B. CAIN
Clerk Superior Court
Buncombe County, North Carolina.

NORTH CAROLINA, SWAIN COUNTY.

The foregoing or annexed certificate of J.B.Cain, C.S.C. of Buncombe County, is adjudged to be correct. Let the said instrument and the certificates, be registered.

Witness my hand and official seal, this 29 day of April, 1932.

V. A. Browning
Clerk of Superior Court.

Received for registration on this 29 day of April, 1932, then was the foregoing Final Judgment registered in Book 60, on page 244. May 13, 1932.

Frank Hyatt
Register of Deeds.