

NORTH CAROLINA,
SWAIN COUNTY.

IN THE SUPERIOR COURT
BEFORE THE CLERK.

STATE OF NORTH CAROLINA,

Petitioner,

FINAL

-vs-

JUDGMENT.

J.G.STIKELEATHER AND WIFE, NANCY WEAVER STIKELEATHER, P.H.BRANCH AND WIFE, FLORENCE R.BRANCH, W.M.SMATHERS AND WIFE, LILLIAN F. SMATHERS, J.G.ADAMS AND WIFE, HELEN B. ADAMS, B.S.COLBURN AND WIFE, ELIZABETH G.COLBURN, W.P.HERBERT AND WIFE, FRANCES C.HERBERT, N.N.BEADLES AND WIFE, MARY STIKELEATHER BEADLES, J.B.BREMAN AND WIFE, SARAH BREMAN, ALVIN S.KARTUS, AGENT FOR J.B.BREMAN AND WIFE, JOSEPH KARTUS AND WIFE, MOLLIE KARTUS, THE NORTH STATE CORPORATION, BILTMORE*OTTEEN BANK, TRUSTEE, W.A.REXFORD AND ALL OTHER PERSONS HEIRS AT LAW OF C.H.REXFORD (DECEASED), SILER MESDOWS MINING & LUMBER COMPANY, A.J.FRANKLIN AND WIFE, SALLIE FRANKLIN, W.W.JENKINS AND WIFE, PALESTINE JENKINS, W.J.JENKINS AND WIFE, LONNIE JENKINS, JAMES J.SHULER AND WIFE, MARY SHULER, HEIRS AT LAW OF J.D. AND A.J.PATTERSON (DECEASED), viz.: S.R.PATTERSON AND WIFE, LILAS PATTERSON, W.E. N.C.ASHE, FLORA ASHE AND HUSBAND, PATTERSON AND WIFE, FANNIE PATTERSON, HESTER ASHE AND HUSBAND, EDD ASHE, VIRGIE DELOZIER (WIDOW), LILLIE STANBERRY AND HUSBAND, J.P.STANBERRY, MINNIE LEDFORD AND HUSBAND, FRED LEDFORD, FRED PATTERSON AND WIFE, EDITH PATTERSON, FLOYD PATTERSON (SINGLE), WALTER PATTERSON (MINOR), M.M. MCCOY, STELLA MCCOY, HEIRS AT LAW OF RUFUS Y.MCADEN (DECEASED), viz.: HEIRS AT LAW OF LUCY MRS. MCADEN BLAND (DECEASED), viz.: CHARLES A.BLAND (WIDOWER), CHARLES A.BLAND JR., TERRY BLAND LOWE, JAMES T. MCADEN, JR. (MINOR), MRS. RUBEN FITZSIMONS MCADEN (WIDOW), CHARLOTTE THOMAS MCADEN (MINOR), GEORGE B.MCADEN (MINOR), MRS.BENNIE V.MCADEN STRONGACHE, AND HUSBAND, JOHNNIE B.STRONACHE, RUFUS Y. MCADEN AND WIFE, MARY LUCY MCADEN, DORTHY DAVISON (MINOR), HENRY M. MCADEN (GUARDIAN), HENRY M. MCADEN AND WIFE, ALICE JULIAN TUCKER BAKER, (MINOR), JONES MCADEN, MRS. MINNIE T. BAKER (WIDOW), N.L.BAKER, JR. (MINOR), HEIRS AT LAW OF J.W.COOPER (DECEASED), AND W.D.BELDING (DECEASED), viz.: THOMAS F.BELDING, DAVID BELDING, MARION BELDING BLACK (WIDOW), FRANCIS MCGARY, PAUL MCGARY, MARION MCGARY, HESTER COOPER FERGUSON AND HUSBAND, J.W.FERGUSON, THOMAS J.COOPER, HARRY P. COOPER AND WIFE, ROSAL*INA COOPER, J.EDWIN COOPER, MYRTLE GUDGER COOPER, J.W.DAVIDSON, EMILY COOPER DAVIDSON, G.S.EVINS, LOUISE JACKSON EVANS, R.B. WITT, GERTRUDE JACKSON WITT, EARL CRYLE, LILLIAN BRYSON CRYLE, BERYL BRYSON COMBS AND HUSBAND, H.B. COMBS, Z.V.CALHOUN AND WIFE, MAGGIE CALHOUN, ELIZABETH COOPER/AND HUSBAND, H.N.CURD, HEIRS AT LAW OF WILLIAM CUMMINGS (DECEASED), -(NAMES AND ADDRESSES OF WHOM ARE UNKNOWN), HEIRS AT LAW OF B.L.SAWYER (DECEASED), -(NAMES AND ADDRESSES OF WHOM ARE UNKNOWN), HEIRS AT LAW OF JOHN D. ALEX*ANDER (DECEASED), -(NAMES AND ADDRESSES OF WHOM ARE UNKNOWN), W.E.COMSTOCK AND WIFE, LOUISA MCCAMPBELL COMSTOCK, AND ALL OTHER PERSONS HEIRS AT LAW OF ROBERT MCCAMPBELL (DECEASED), HEIRS AT LAW OF JANE MCCAMPBELL (DECEASED)* (NAMES AND ADDRESSES OF WHOM ARE UNKNOWN), HEIRS AT LAW OF WILLIAM MCCAMPBELL (DECEASED) -(NAMES AND ADDRESSES OF WHOM ARE UNKNOWN), HEIRS AT LAW OF WILLIAM C. MCCAMPBELL (DECEASED)- (NAMES AND ADDRESSES OF WHOM ARE UNKNOWN), HEIRS AT LAW OF MEEKY McHAN (DECEASED), AND JANE MORRIS (DECEASED) - (NAMES AND ADDRESSES OF WHOM ARE UNKNOWN), Respondents.

This cause coming on to be heard before the undersigned clerk of the superior Court of Swain County, North Carolina, on this the 4th day of March, 1931, 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 18th day of October, 1930, and that the duly verified petition of the State of North Carolina was on the 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 petition and said summons to be non-residents of the State of North Carolina, have been duly served by publication, as required by law, and that the time for answering was extended by an order made by the Clerk of the Superior Court of Swain County, allowing all of the respondents to appear and answer the petition on or before January 6, 1931; that Lena McCampbell Comstock, wife of W.E. Comstock, filed an answer in said proceeding on January 5, 1931, setting up her claim to that portion of the lands described in the petition covered by Grant No 392; that James G. Stikeleather and others filed an answer, dated January 3, 1931, claiming title to all of the lands described in said petition, and alleging themselves to be the owners in fee simple and entirely of all of said lands; that Henry M. McAden and others filed an answer on December 23, 1930, setting up and claiming title to that portion of the lands described in the petition covered by Grant No. 2997 and not covered by older and superior Grants, said tract so claimed by them containing 315 acres; that A.J. Franklin and others filed an answer, dated January 5, 1931, setting up and claiming title to that portion of said lands described in the petition covered in Grant No. 164 and containing about 423 acres; that the Siler Meadows Mining & Lumber Company filed an answer, dated November 28, 1930, setting up and claiming title to that portion of the lands described in the petition covered by Grants Nos. 1738, 1374, and 1471, known as the "J.R. Siler Grants," said Grant No. 1738 also covering and including in large part the lands claimed by A.J. Franklin and others, as hereinabove set out; that Thomas F. Bolding and others filed an answer, dated November 17, 1930, setting up and claiming title to that portion of the lands described in the petition covered by Grant NO. 142 and containing about 207 acres; and that Stella McCoy filed an answer, dated November 8, 1930, setting up and claiming title to one-half mineral interest in that portion of the lands described in the petition covered by and included in Grants Nos. 1738, 1374 and 1471 and also in Grants Nos. 2100, 2101, 2103 and 2104, all of which were known as the "J.R. Siler Grants"; all of which 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 6th day of January, 1931, (the time for answering having fully elapsed and expired as to all and every of the respondents summoned 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 Swain County, North Carolina, duly made and entered an inter locutory judgment and order in this cause, whereby it was duly recorded and adjudged, inter alia, that C.R. Browning, R.P. Abbott and S.W. Monteith be, and they were, duly appointed commissioners by the Court, and they were required fairly and impartially to appraise the lands and interests in 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 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 same appears upon the records and files of 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 7th day of February, 1931, 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 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 proceeding 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 so appraised by them separately, as follows:-

(a) That estimated, appraised and assessed the compensation and damages for Tract No.180, as shown by the survey made by the North Carolina Park Commission, and described and referred to in section 3 of the petition and exhibits thereto attached, and owned by the respondents named in said Section 3 of the petition, said tract being appraised as a whole and including all of the lands in regard to which separate answers have been filed by the respondents hereinabove named, at a total sum of NINETY-EIGHT THOUSAND, FORTY -FIVE and 74/100 DOLLARS (\$98,045.74).

(b) That said commissioners then proceeded to estimate, appraise and assess the compensation for the one-half mineral interest of the respondent, Stella McCoy, in that portion of the lands described in the petition covered by Grants Nos. 1738, ~~1374~~, 1471, 2100, 2101, 2103 and 2104, at the total sum of TWO HUNDRED, SEVENTY SIX and 04/100 DOLLARS (\$276.04), the one-half mineral interest of the said Stella McCoy being in a portion of the lands covered by said several Grants as shown by said report of commissioners.

(c) That they estimated, appraised and assessed the compensation and damage for that portion of the lands described in the petition claimed by A.J.Franklin and others in the answer filed by them and embraced in Grant No.164 and containing 423 acres, at a total price of FOUR THOUSAND, TWO HUNDRED ^{Thirty} and 00/100 DOLLARS (\$4,230.00).

(d) That they estimated, appraised and assessed the compensation and damage for that portion of the lands described in the petition claimed by Henry M.McAden and others, covered by Grant No.2997 and not covered by older grants, and containing 315 acres, at the total sum of THREE THOUSAND, ONE HUNDRED FIFTY & 00/100 DOLLARS (\$3150.00).

(e) That they estimated, appraised and assessed the compensation and damage for that portion of the lands described in the petition claimed by the Heirs of J.W.Cooper and W.D.Belding and described in the answer filed by them and embracing the lands covered by Grant No.142, containing 207 acres, at a total sum of ONE THOUSAND, THREE HUNDRED FORTY FIVE and 50/100 DOLLARS (\$1,345.50).

(f) That they estimated, appraised and assessed the compensation and damage for the portion of the lands described in the petition claimed by the Heirs at law of Robert McCampbell, an interest in which was also claimed by W.A.Rexford, and containing 47 acres, at a total sum of THREE HUNDRED, FIVE and 50/100 DOLLARS (\$305.50).

(g) All of said separate appraisals hereinabove set out made on account of the mineral interest claimed by Stella McCoy and the lands claimed by A.J.Franklin and others, Henry M.McAden and others, Heirs at law of J.W.Cooper and W.D.Belding, and Lena McCampbell Comstock and W.A. Rexford being included in the sum total for the entire tract and appraised by said commissioners at the total price of NINETY-EIGHT THOUSAND, FORTY FIVE & 74/100 DOLLARS (\$98,045.74); and it is hereby considered and adjudged that the petitioner, upon the payment into Court of the said total sum of \$98,045.74, shall be vested with full and entire title to the lands described in the petition.

(h) That the said commissioners have also considered special benefits to the said lands on account of this condemnation, and they find said benefits to be **NOTHING**.

4. That upon the filing of said report of said commissioners and appraisers on the 7th day of February, 1931, the following exceptions and appeals to the Superior Court of Swain County, were entered, to wit:

(a) A.J.Franklin and others excepted and appealed from that portion of said report insofar as the same effects Grant No. 164, as claimed by them, the total amount involved being 423 acres.

(b) Siler Meadows Mining & Lumber Company excepted and appealed from that portion of the

said report covering that part of the lands described in the petition embraced in Grant No. 1738 and the mineral interest of Stella McCoy in Grants Nos. 1738, 1374 and 1471.

(c) J.G. Stikeleather and others excepted and appealed from that portion of said report fixing the compensation for that portion of the lands described in the petition embraced in Grant No. 1738 and Grant No. 164, claimed by Siler Meadows Mining & Lumber Company and A.J. Franklin and others, and the Court further finds as a fact that no other person, firm or corporation whosoever has, in any manner, objected or excepted to the report of said commissioners, insofar as the same relates to the remaining portion of the lands described in said petition; and the Court further finds as a fact that the time for filing objections to said report has fully elapsed and expired.

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 aforesaid, 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 a 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:-

1. That the interlocutory judgment and other appointing commissioners in this cause, of date to 6th day of January, 1931, hereinbefore referred to, be, and the same hereby is, in all respects, approved, ratified and confirmed.

2. 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.

3. That the petitioner forthwith pay into the registry of this Court the said sum of NINETY EIGHT THOUSAND, FORTY FIVE and 74/100 DOLLARS (\$98,045.74) less the sum of EIGHTY-FOUR THOUSAND, TWO HUNDRED THIRTY-NINE and 02/100 DOLLARS (\$84,239.02), which the Court finds as a fact has already been paid by the petitioner and received by the respondents, J.G. Stikeleather, and others, as set out in Paragraph 6 of the petition herein, the said sum of NINETY-EIGHT THOUSAND, FORTY-FIVE and 74/100 DOLLARS (\$98,045.74) being the amount ascertained, appraised and determined by said commissioners as the total value and damages for all of the lands described in said petition as set forth in said report and 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, conformably to the report of said commissioners, which said amount, namely, the sum of THIRTEEN THOUSAND, EIGHT HUNDRED SIX and 72/100 DOLLARS (\$13,806.72), shall be paid out and disbursed by the Clerk of this Court to the person

or persons severally entitled to receive the same as their several interests may be made to appear.

4. That upon the payment into Court by the petitioner of the amount of money aforesaid as particularly set fourth in the last preceding paragraph ^{hereof} ~~as herein-before~~ 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.

5. That the lands described in the petition and containing 15,083.96 acres, the title to which, through and by virtue of the proceedings had in this cause, becomes vested in the petitioner, the State of North Carolina, are more fully and particularly described as follows:-

DESCRIPTION OF THE BOUNDARY

OF THE

J.G. STIKELEATHER TRACT

(180)

BEGINNING with corner 1, a cross chiseled on a large rock at east edge of water of Owl Cove Branch, a 12" beech bears South 21-00 West .36 chain distant; a 30" birch bears North 30-30 East .33 chain distant; thence down Owl Cove Branch with its meanders North 18-40 West 1.99 chains, a point; North 18-45 East .99 chains, a point; North 12-20 West 1.47 chains, a point; North 9-30 East .61 chains, Corner 2, a 10" birch at the mouth of Owl Cove Branch on South side of Hazel Creek; a 10" birch bears North 70-00 East .23 chain distant; a 3" birch bears South 45-00 E. .22 chain distant. Thence, crossing Hazel Creek, North 10-27 West 50.90 chains, Corner 3, a 6" squared chestnut post set in a mound of stones, on the side of a small hollow. A 12" chestnut bears North 70-00 West .10 chain distant; a 6" black oak bears South 40-00 East .27 chain distant; thence North 87-56 West 7.80 chains, top Proctor Ridge; 27.94 chains, large boulder with X mark; 47.39 chains, Long Cove Branch flowing Southwest; 52.40 chains, Proctor Creek flowing south; 89.97 chains, a point on Starkey Ridge .06 chains north of a large rock; North 87-45 West 92.63 chains, Corner 4, post at head of Little Chestnut Ridge, which is corner 3½; thence down and with the meanders of Little Chestnut Ridge North 76-55 West 2.51 chains; South 81-43 West 1.24 chains; South 88-46 West 2.76 chains; South 63-26 West 2.94 chains; South 78-21 West 1.63 chains; South 54-39 West 3.82 chains; South 58-03 West 1.56 chains; South 46-56 West 3.40 chains; South 57-13 West 2.23 chains; South 71-51 West 2.05 chains; South 60-14 West 1.91 chains; South 80-54 West; 1.40 chains; South 55-50 West 2.33 chains; South 64-04 West 2.19 chains; South 77-39 West 1.42 chains; South 53-18 West 2.25 chains; South 56-42 West 2.70 chains; South 40-03 West 2.11 chains; South 54-37 West 3.12 chains; South 48-11 West 6.25 chains; South 46-47 West 1.48 chains; South 79-55 West 5.24 chains; South 76-17 West 2.08 chains; South 87-42 West 2.73 chains; North 82-41 West 1.70 chains; South 86-12 West 2.01 chains; North 72-06 West 1.02 chains; South 84-33 West 2.24 chains; North 67-53 West 4.62 chains; South 79-26 West 13.12 chains; South 32-44 West 2.33 chains; South 57-01 West 1.38 chains; South 62-53 West 1.83 chains; South 66-53 West 2.93 chains; North 88-58 West .79 chains; South 77-27 West 1.35 chains; South 40-39 West 1.63 chains; South 49-23 West 1.91 chains; South 31-38 West 2.14 chains; South 40-36 West 2.00 chains; South 17-29 West 3.56 chains; South 3-43 East 2.07 chains; South 43-44 West 1.55 chains; South 66-67 West 1.73 chains; South 77-14

West 1.51 chains; South 81-19 West 2.60 chains; South 77-49 West 1.59 chains; South 71-23 West 2.23 chains; South 37-35 West 2.68 chains; South 28-31 West 3.76 chains; South 3-15 West 2.40 chains; South 31-20 West 2.41 chains; South 60-06 West 1.77 chains; South 19-23 West 1.26 chains; South 54-13 West 6.34 chains; South 13-57 East 1.59 chains; South 6-08 West 3.11 chains; South 1-36 East 1.41 chains; South 13-51 West 1.40 chains; South 37-10 West 2.66 chains; South 17-27 West 4.68 chains; South 44-33 West 2.83 chains; Corner 4, (of Mr. Comb's survey) a point in the center of Bone Valley Creek at its junction with Horse Cove Branch at the foot of Little Chestnut Ridge, set a post on west bank of Creek scribed "C" on East side, "S" on West side and with an arrow on the North side pointing to center of creek, .30 chain distant; thence with the Bone Valley-Little Shuck Stack line, this being the Southern boundary of the Park, South 66-16 West 87.84 chains; corner 5, a point at the crest of Forester Ridge, set a 5" square chestnut post, scribed "S" on North side, an 8" chestnut blazed and scribed B.T.S. bears South 12-00 West .20 chains distant, an 8" gum blazed and scribed B.T.S. bears N.E. .22 chains distant; thence up ^{and} with the meanders of Forester Ridge North 74-07 West 4.58 chains; North 36-05 West 1.49 chains; North 21-31 West 4.02 chains; North 25-51 West 4.14 chains; North 18-14 West 5.89 chains; North 12-59 West 1.82 chains; North 21-27 West 6.05 chains; North 34-33 West 2.36 chains; North 29-31 West 3.60 chains; North 20-14 West 7.35 chains; North 33-37 West 2.43 chains; North 7-17 West 1.05 chains; North 17-37 **East** 3.17 chains; North 9-57 West 3.44 chains; North 2-18 West 2.01 chains; North 15-14 West 4.82 chains; North 17-48 East 2.20 chains; North 14-40 East 3.27 chains; North 41-14 East 1.88 chains; North 8-00 East 1.29 chains; corner 6, an 18" chestnut marked by three chops, a blaze and a cross, corner 8 of the Coburn-Westfeldt Tract (182); thence leaving Forester Ridge and with Coburb-Westfeldt Tract (182) North 2-00 East 40.00 chains, corner 7, a point, also corner 7 of the Coburn-Westfeldt Tract (182); thence North 88-00 West 31.18 chains, corner 8, a point on top of Forester Ridge, corner 2 of the J.E.Coburn Tract (100-d); thence up and with the meanders of Forester Ridge and the J.E.Coburn Tract (100-d) North 50-11 West 2.06 chains; North 40-22 West 2.89 chains; North 61-41 West 1.60 chains; North 70-07 ^{3.29 chains, North 46-07 West} West/4.13 chains; North 60-09 West 1.67 chains; North 23-04 West 8.50 chains; North 20-30 West 3.55 chains; North 8-10 West 7.34 chains; North 22-00 West 7.40 chains; North 16-25 West 12.89 chains; North 23-01 West 3.45 chains; corner 9, a point on top of Block House Mountain, the junction of Forester Ridge and Jenkins Trail Ridge, corner 1, of the J.E.Coburn Tract (100-d); thence still up the meanders of Forester Ridge North 25-26 East 5.14 chains; North 40-29 East 1.67 chains; North 16-04 East 1.57 chains; North 27-55 East 1.86 chains; North 39-05 East 1.90 chains; North 51-20 East 4.56 chains; North 36-50 East 2.39 chains; North 40-44 East 1.97 chains; North 28-47 East 3.01 chains; North 48-58 East 1.34 chains; North 61-27 East 2.77 chains; North 37-32 East 3.40 chains; North 41-44 East 3.45 chains; North 59-01 East 4.24 chains; North 25-15 East 3.27 chains; North 27-15 East 2.17 chains; North 3-39 East 3.22 chains; North 32-31 East 6.02 chains; North 41-41 East 21.54 chains; North 32-45 East 4.26 chains; North 7-55 East 14.89 chains; North 1-06 East 10.15 chains; North 41-21 West 3.90 chains; North 32-22 East 11.16 chains; North 17-26 East 7.94 chains; North 3-22 West 6.19 chains; corner 10, a "blocked birch" at the junction of Forester Ridge with the Great Smoky Mountain Divide on the N.C.-Tenn. State line, and corner 1 of the Samuel W. Richey Tract (183); thence with the meanders of the Great Smoky Divide and the N.C.-Tenn. State line South 45-44 East 1.22 chains; North 60-00 East 19.81 chains; North 41-00 East 5.56 chains; North 57-24 East 1.58 chains; North 84-53 East 2.27 chains; South 88-34 East 2.20 chains; South 79-12 East 1.90 chains; South 40-02 East 8.81 chains; South 78-06 East 7.78 chains; North 89-06 East 3.32 chains; North 57-32 East 4.12 chains; South 81-56 East 5.54 chains; South 52-24 East 8.46 chains; North 45-14 East 5.10 chains; South 74-38 East 1.22 chains; South 65-14 East 1.67 chains; North 69-40 East 9.74 chains; North 89-00 East 1.75 chains; South 66-03 East 2.42 chains; South 57-10 East .79 chains; North 85-05 East 1.75 chains; North 74-32 East 2.78 chains; North 69-00

East 2.00 chains; North 50-24 East 13.28 chains a point on Brier Knob South 16-43 East .95 chains; South 39-26 East 1.50 chains; South 52-33 East 1.51 chains; South 76-24 East 2.45 chains; South 68-58 East 2.23 chains; North 72-30 East 1.39 chains; North 66-41 East 2.08 chains; North 64-07 East 3.05 chains; North 72-30 East 3.04 chains; South 81-48 East 4.06 chains; South 69-33 East 2.46 chains; South 81-41 East 2.37 chains; South 49-14 East 2.17 chains; South 62-30 East 4.19 chains; North 81-42 East 2.28 chains; South 88-24 East 2.01 chains; North 78-19 East 2.59 chains; South 71-13 East 3.39 chains; South 89-35 East 7.25 chains; North 65-35 East 3.30 chains; South 73-35 East 4.18 chains; North 76-05 East 5.81 chains; North 60-00 East 1.00 chains; North 83-01 East 6.03 chains; South 76-31 East 9.02 chains; North 87-45 East 1.30 chains; South 36-12 East 3.31 chains; South 46-36 East 2.27 chains; South 74-21 East 5.34 chains; North 69-51 East 5.39 chains; North 62-39 East 4.67 chains; North ⁸⁵⁻²⁵ ~~55-50~~ East 6.76 chains; North 86-31 East 2.45 chains; North 83-14 East 1.47 chains; South 73-26 East 6.00 chains; South 38-14 East 5.62 chains; South 26-51 East 2.16 chains; South 76-02 East 4.71 chains; North 88-07 East 4.62 chains; South 53-26 East 3.09 chains; South 76-14 East 7.94 chains; South 57-13 East 3.21 chains; South 51-53 East 4.01 chains; South 74-21 East 6.85 chains; South 39-00 East 3.61 chains; South 62-04 East 1.39 chains; North 84-03 East 6.93 chains; North 80-29 East 4.32 chains; North 70-00 East 4.49 chains; a point at Hall's Cabin; South 77-31 East 5.90 chains, a point at head of Locust Ridge North 84-41 East 2.17 chains; South 65-28 East 1.84 chains; North 4-23 East 2.01 chains; North 49-37 East 4.15 chains; North 74-13 East 2.30 chains; North 59-59 East 2.67 chains; North 69-00 East 3.67 chains; North 80-44 East 3.05 chains; North 61-08 East 7.68 chains; North 22-47 East 3.54 chains; North 30-17 East 4.37 chains; North 12-02 East 4.71 chains; North 28-11 East 2.84 chains; South 76-26 East 1.90 chains; South 53-42 East 18.83 chains; South 44-58 East 3.25 chains; South 49-24 East 1.52 chains; a point at head of Starkey Ridge; North 67-35 East 7.50 chains; North 56-30 East 5.67 chains; North 60-00 East 3.00 chains; North 32-41 East 2.79 chains; North 44-36 East 3.47 chains; North 39-46 East 2.52 chains; North 68-46 East 7.56 chains; North 67-25 East 2.00 chains; North 38-14 East 2.90 chains; North 57-38 East 1.10 chains; North 38-52 East 7.27 chains; South 71-49 East 6.08 chains; South 74-54 East 3.72 chains; South 88-54 East 3.35 chains; North 46-56 East 3.14 chains; North 28-32 East 3.19 chains; North 83-26 East 5.36 chains; North 82-00 East 2.50 chains; North 34-13 East 2.08 chains; North 29-46 East 4.75 chains; North 54-50 East 4.40 chains; North 75-33 East 4.85 chains; North 37-35 East 6.41 chains; North 48-42 East 5.87 chains; North 65-52 East 3.56 chains; North 39-49 East 4.36 chains; North 27-07 East 8.06 chains; North 45-48 East 2.91 chains; North 28-35 East 3.48 chains; North 43-52 East 2.41 chains; South 57-47 East 1.96 chains; South 54-13 East 2.29 chains; South 65-01 East 2.66 chains; North 78-24 East 1.99 chains; South 85-26 East 8.22 chains; South 73-03 East 2.35 chains; North 88-39 East 4.78 chains; South 74-10 East 1.22 chains; South 77-26 East 6.72 chains; South 26-19 East 5.95 chains; South 56-12 East 3.12 chains; South 44-38 East 4.18 chains; South 15-12 East 3.15 chains; South 20-52 East 1.72 chains; South 36-43 East 3.45 chains; South 22-19 East 3.97 chains; South 38-03 East 1.86 chains; South 45-52 East 1.64 chains; North 59-41 East 2.93 chains; North 76-18 East 3.93 chains; North 88-38 East 4.05 chains; South 17-38 East 3.81 chains; South 28-42 East 3.91 chains; South 42-20 East 3.23 chains; South 67-27 East 5.31 chains; South 44-02 East 2.34 chains; South 56-19 East 4.50 chains; South 51-04 East 3.53 chains; South 14-53 East 2.87 chains; South 17-40 East 3.72 chains; South 7-09 East 4.34 chains; South 0-14 East 3.58 chains; South 28-33 East 1.84 chains; South 68-25 East 2.28 chains; South 62-26 East 4.13 chains; South 53-33 East 3.69 chains; South 49-53 East 2.94 chains; South 52-50 East 3.94 chains; South 41-48 East 3.27 chains; South 26-48 East 3.65 chains; South 14-33 East 9.40 chains; South 2-23 East 2.66 chains; South 27-10 East 3.47 chains; South 60-08 East 1.78 chains; a point at the head of Proctor Ridge, South 44-24 East 4.17 chains; South 77-34 East 6.97 chains; North 87-31 East 12.00 chains; North 49-22 East 5.62 chains; North 50-07 East 2.15 chains; North 86-32 East 4.13 chains;

South 85-25 East 2.49 chains; South 73-33 East 1.53 chains; North 74-29 East 2.14 chains; North 88-33 East 9.81 chains; North 75-53 East 3.99 chains; North 40-09 East 2.60 chains; North 48-28 East 4.08 chains; North 41-55 East 4.22 chains; North 79-01 East 2.96 chains; South 85-53 East 3.55 chains; South 56-40 East 4.81 chains; South 65-47 East 4.58 chains; South 52-54 East 3.29 chains; South 77-42 East 4.30 chains; North 86-50 East 3.43 chains; North 69-46 East 6.41 chains; corner 11, a point in open field at the junction of Welch Ridge with the Great Smoky Mountain Divide, set an 8" service post scribed N.O. on S.E., R.L. CO. on S.W., Tenn. on N.W., N.L. Co. on N.E., corner 4 of the Norwood Lumber Company Tract (172); thence down and with the meanders of Welch Ridge and the Norwood Lumber Company Tract (172) South 6-45 West 13.84 chains; corner 12, a birch with very old marks and witnesses, in a flat gap, the beginning corner of Grant 1738; thence still with the meanders of Welch Ridge and the Norwood Lumber Co. Tract (172) South 3-30 West 9.95 chains; South 8-47 East 1.52 chains; South 11-31 East 5.11 chains; South 5-17 West 7.91 chains; South 18-11 West 3.25 chains; South 28-37 West 2.03 chains; South 43-00 West 3.52 chains; South 15-43 West 2.49 chains; South 0-58 West 2.70 chains; South 5-33 West 4.86 chains; South 17-23 West 5.74 chains; South 5-33 West 8.76 chains; South 47-35 West 5.46 chains; South 54-41 West 8.45 chains; a point in the gap near Monteith's Cabin; South 25-58 West 6.02 chains; South 39-45 West 5.12 chains; South 3-07 East 4.95 chains; South 39-20 West 8.64 chains; South 29-07 West 4.10 chains; South 32-11 West 5.69 chains; South 10-49 West 5.17 chains; South 0-54 West 4.52 chains; South 19-06 West 5.33 chains; South 34-13 West 7.90 chains; South 53-42 West 6.23 chains; South 62-02 West 4.83 chains; South 53-21 West 3.24 chains; South 37-47 West 3.56 chains; South 55-48 West 4.46 chains; South 69-59 West 2.91 chains; South 71-55 West 8.84 chains; North 88-26 West 2.20 chains; South 85-50 West 4.35 chains; South 47-45 West 2.57 chains; South 52-06 West 6.97 chains; South 63-58 West 6.71 chains; South 10-35 West 2.06 chains; South 3-18 West 6.82 chains; South 40-37 West 5.25 chains; South 28-45 West 4.02 chains; South 24-41 West 5.66 chains; South 16-11 West 2.20 chains; South 28-05 West 4.35 chains; South 27-17 West 6.26 chains; South 37-06 West 8.93 chains; South 54-51 West 1.19 chains; South 13-40 West 1.60 chains; South 1-15 West 4.31 chains; South 52-49 West 1.38 chains; South 59-32 West 4.49 chains; South 64-57 West 3.50 chains; South 58-10 West 1.91 chains; South 85-58 West 4.90 chains; South 05-37 West 6.09 chains; South 58-21 West 5.84 chains; South 59-44 West 5.04 chains; South 51-55 West 4.71 chains; South 18-21 West 3.61 chains; South 30-12 West 3.76 chains; South 53-00 West 3.31 chains; South 57-55 West 7.33 chains; South 28-36 West 7.07 chains; South 9-04 West 2.97 chains; South 10-47 West 6.43 chains; South 40-02 West 1.95 chains; South 7-38 East 4.99 chains; South 23-30 East 5.81 chains; South 10-02 East 5.90 chains; South 60-37 West 13.60 chains; South 33-07 West 4.34 chains; South 13-11 West 4.77 chains; South 25-17 West 7.77 chains; South 16-42 West 1.86 chains; South 15-25 East 5.23 chains; South 6-23 East 3.53 chains; South 10-07 West 3.26 chains; South 11-18 East 4.33 chains; South 0-20 East 6.82 chains; South 22-27 West 9.30 chains; South 17-16 West 5.90 chains; South 20-04 West 4.13 chains; a point on top of Bearwallow Bald; South 62-00 West 10.30 chains; South 76-40 West 5.85 chains; South 66-21 West 21.03 chains; South 45-09 West 4.41 chains; South 40-52 West 10.29 chains; South 25-51 West 3.86 chains; South 76-35 West 1.62 chains; South 79-08 West 3.68 chains; South 72-24 West 5.96 chains; South 55-58 West 1.76 chains; South 81-21 West 2.05 chains; corner 13, a rock marked with three stripes of red paint at the east end of "High Rocks", a prominent point of Welch or Siler Dald Ridge, being corner 2 of the Norwood Lumber Co. Tract (172); thence continuing with the meanders of the Welch Ridge South 4-15 East 3.73 chains; South 9-56 East 4.37 chains; South 13-47 East 4.05 chains; South 17-09 West 4.67 chains; South 7-30 West 6.27 chains; South 11-45 West 6.33 chains; South 2-00 West 5.75 chains; to corner 14, a chestnut with old marks 1.50 chains, South of Cold Spring Gap; thence South 63-37 West 118.90 chains; to corner 15, a locust post set in place of a fallen Mountain oak with a birch witness; thence North 3-45 East 42.09 chains to corner 16, a locust; thence South 64-35 West 90.28 chains to corner 17, a chestnut with old marks on top of Jenkins

Ridge; thence down Jenkins Ridge with its meanders North 20-45 West 5.03 chains; North 3-45 West 3.51 chains; North 11-30 East 5.56 chains; North 44-45 East 3.91 chains; North 35-16 East 4.22 chains; North 5-15 West 5.45 chains; North 21-15 West 4.24 chains; North 17-15 West 5.31 chains; North 25-30 West 5.72 chains; North 6-30 East 2.18 chains; North 5-45 East 1.73 chains; North 8.00 East 1.67 chains; North 4-15 West 4.34 chains; North 19-00 East 4.72 chains; North 4-30 West 4.23 chains; North 15-15 East 2.75 chains; North 34-15 East 2.75 chains; North 11-15 East 14.98 chains; North 4-00 West 3.21 chains; North 15-15 West 1.57 chains; North 6-45 East 5.32 chains; North 1-00 West 2.08 chains; North 10-45 East 1.71 chains; North 2-45 East 3.47 chains; North 23-45 East 1.83 chains; North 5-15 East 2.05 chains; to corner 18, a 6" black gum on point of ridge Southwest of Cold Spring Branch, a 14" chestnut bears East .07 chain distant, chimney at North end of old B.H.Cook house bears North 43-40 West; thence North 55-10 East 288.15 chains to the place of BEGINNING, containing 15,083.96 acres, and being a part of the same lands conveyed by W.M.Ritter Lumber Company to David L.Strain by deed dated March 30, 1926, and registered in the Office of the Register of Deeds of Swain County, North Carolina, in Book 52, at page 513; and being a part of the lands conveyed to said David L.Strain by G.I.Calhoun and wife, L.C.Calhoun and J.C.Calhoun and wife, Pearle Calhoun by deed date June 8, 1926, and recorded in Book 54, at page 98 of the records of deeds of said Swain County; and being also a portion of the lands conveyed to said David L.Strain by T.J.Calhoun and wife S.A.Calhoun, G.I.Calhoun and wife, L.C.Calhoun and J.C.Calhoun and wife, Pearle Calhoun and W.P.Martin and wife, Ora Martin, by deed dated June 8, 1926 and recorded in the Office of said Register of Deeds of Swain County in Book 54, page 97, to which deeds reference is hereby expressly made as a part of this description.

The lands hereby conveyed also cover and include all of the lands embraced in Grants No. 1, 1838, 1837, 1830, 141, 142, 7815, 7814, 7450, 2634, 3293, 2636, 2635, 7573, 3292, 3291, 164, 2100, 2101, 12684, 1471, 15901, 2629, 240, and cover a portion of the lands embraced in the following grants among others, to wit:

2637, 1738, 2997, 2103, 2104, 7622, 2641, 1835, 2639, 2642, 3181, 1374, 1372, 239, 2030, 2045, 1543, 14022, 1836, 3290, 138, 1831, 1832, 1833, and 392, which said grants are recorded in the Office of the Register of Deeds of Swain County, North Carolina, and are hereby expressly referred to as a part of the description of the lands herein conveyed.

6. 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, interest and obligation 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 March, 1931.

V.A.Browning
Clerk Superior Court,
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 the foregoing is a true and perfect copy of the final judgment and decree in the above entitled Special Proceedings brought by the State of North Carolina, Petitioner, against J.G.Stikeleather et al respondents as the same appears on file and as recorded in Docket Special Proceedings Book No.4 at page et seq. in this office.

Witness my hand and official seal this the 19th day of March, 1931.

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

Filed for registration at 2:30 o'clock P.M. March 20, 1931 and registered in the
office of the Register of Deeds for Swain County, North Carolina, in Book 56, page 537.

Frank Hyatt
REGISTER OF DEEDS SWAIN COUNTY.

NORTH CAROLINA,

IN THE SUPERIOR COURT

SWAIN COUNTY.

BEFORE THE CLERK.

STATE OF NORTH CAROLINA,

Petitioner,

FINAL

-vs-

JUDGMENT

T.I. HUGHES, A.H. HUGHES AND WIFE, HESTER J. HUGHES, ZENA BATTLE AND HUSBAND, WILL BATTLE, SEVIER
HUGHES AND WIFE, BESSIE HUGHES, MARGARET MARSHALL, MARIAH MITCHELL, widow, J.R. LOVE, FREDRICK LOVE,
HENRIETTA LOVE, minor, HEDWIG LOVE, widow, BESSIE L. ABLE AND HUSBAND, **J.S. ABLE, MATTIE WEST AND HUSBAND,**
AND WIFE, JOSEPHINE THOMAS, SALLIE L. AVERY, widow, WILLIAM H. THOMAS III AND WIFE, BLANCHE THOMAS, L
LOVE T. HUGHES AND HUSBAND, G.E. HUGHES, MARIAH LONG, incompetent, by her guardian, WILLIAM H.
THOMAS III, DEWITT THOMAS AND WIFE, FRANCIS J. THOMAS, MAY PATTON STALCUP AND HUSBAND, GLENN STALCUP,
JOSEPHINE PATTON BYRD AND HUSBAND, HENRY BYRD, LOVE B. SHACKFORD AND HUSBAND, J.W. SHACKFORD, JAMES
THOMAS PATTON, W.T. PATTON, G.E. HUGHES, Attorney in fact, BRYAN THOMAS, MARY EDITH WAY, widow, J.C.
WELCH AND WIFE, FANNIE WELCH, NORA ASHTON AND HUSBAND, _____ ASHTON, S.H. HILLIARD AND WIFE,
MAMIE J. HILLIARD, MARIAH S. HULL AND HUSBAND, FRED HULL, MARGARET J. CAMPBELL, widow, HALCYONE
HILLIARD, widow, CHARLES O. HILLIARD, LOVE H. FOSTER AND HUSBAND, R.P. FOSTER, HOWARD HILLIARD,
AND WIFE MAMIE M. STRINGFIELD,
THOMAS STRINGFIELD, JAMES L. STRINGFIELD AND WIFE, EMMA A. STRINGFIELD, SAMUEL L. STRINGFIELD, AND
WIFE, ADDIE S. STRINGFIELD, HUGH J. SLOAN, widower, BEN S. SLOAN, WILLIAM SLOAN, HUGH J. SLOAN, JR.,
minor, JOSEPH SLOAN, minor, ROBERT SLOAN, minor, **CARSTON** WILBURN, LOVE B. GILMORE, widow, JAMES
ADKINS, Jr., and wife, BESSIE S. ADKINS, HILLIARD B. ADKINS, NORA S. ADKINS, J.F. SHULER, W.T. CONLEY,
M.L. SHERRILL, E.C. GIBSON, GEORGE W. BECK, G.I. CALHOUN, J.C. HALL AND WIFE, GLADYS HALL, N.A. HALL,
CLEMENTINE ENLOE, R.L. ENLOE AND WIFE, LULA MAY ENLOE, SALLIE ENLOE BRADLEY AND HUSBAND, _____
BRADLEY, ALICE ENLOE RICH AND HUSBAND, CHARLES RICH, GARLAND ENLOE AND WIFE, _____ ENLOE,
STERLING ENLOE, ELSIE ENLOE DUNLAP AND HUSBAND, ROBERT DUNLAP, HILLIARD ENLOE AND WIFE, MYRTLE
ENLOE, BERT ENLOE, LIZZIE ROSE, JULIA BYRD, ELSIE ENLOE, GLENN ENLOE, MYRTLE ENLOE, single, LUNIE
ENLOE, M.V. CONNOR AND HUSBAND, L.J. CONNOR, H.B. BECK, L.V. SUTTON, VALERIE SUTTON, minor, NELLIE
SUTTON, minor, BESSIE B. LOFTIS AND HUSBAND, M.A. LOFTIS, H.C. BECK AND WIFE, N.I. BECK, ELMINA AYERS
AND HUSBAND, J.M. AYERS, T.M. JENKINS AND WIFE, CHARLOTTE JENKINS, FLOYD JENKINS, HEIRS AT LAW OF
JASON L. CONNOR, HEIRS AT LAW OF MINERVA BRADLEY, N.B. BECK AND HUSBAND, ROBERT BECK, W.E. CONNOR,
HEIRS AT LAW OF MARGARET KIMSEY, JAMES WIGGINS, HOY THOMAS AND WIFE, KITTY THOMAS, NORTH STATE
CORPORATION, T.C. QUEEN, AND WIFE, MARIAN QUEEN, J.J. ENLOE AND WIFE, MAUDE ENLOE, P.L. HYDE, widow,
GLENNIE HYDE SELLERS AND HUSBAND, JOE SELLERS, LURA HYDE COLE AND HUSBAND, JESS COLE, and R.P. HYDE,

Respondents.

This cause coming on to be heard before the undersigned Clerk of the Superior Court of
Swain County, North Carolina, on this the 19th day of March, 1931, 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 15th day of October, 1930, and that the duly verified
petition of the State of North Carolina, was on said date duly filed in this Court, and that said