

STATE OF NORTH CAROLINA,
SWAIN COUNTY.

THIS DEED, made this 31st day of January, A.D. 1930, by and between BADGET AND LATHAM LUMBER COMPANY, a corporation created and existing under and by virtue of the laws of the State of Delaware, and duly domesticated and empowered to transact business within the State of North Carolina, hereinafter called GRANTOR, and THE STATE OF NORTH CAROLINA, hereinafter called GRANTEE:

WITNESSETH:

That the said Grantor, for certain good and valuable considerations moving it there-to, and particularly the sum of EIGHT THOUSAND, FIVE HUNDRED and 00/100 DOLLARS (\$8,500.00), to it paid by the Grantee, the receipt of which is hereby acknowledged, has bargained and sold, and by these presents, does bargain, sell, grant and convey unto the said Grantee, its successors and assigns, all of the timber of every kind, character and description, ten (10) inches in diameter and over at the stump, except corner and line trees, standing, growing and being upon the following described lands, except pulp and acid wood herein-after expressly reserved, to-wit:

FIRST BOUNDARY: Being all of that tract or parcel of land lying and being in Swain County, North Carolina, on the waters of the Bradley Fork of Oconaluftee River and the waters of Upper Big Creek and Lower Big Creek, adjoining the lands of the Champion Fibre Company, J.C. Reagan, the boundary known as the Lantz lands and others, and being the same land conveyed by James A. Martin and wife to the Montvale Lumber Company by deed dated January 1, 1923, and recorded in the office of the Register of Deeds of Swain County, North Carolina, in Book 43, page 124, to which deed reference is hereby made for a more complete description of said land. This boundary contains 4347.3 acres, more or less.

There is, however, excepted and excluded from this boundary all those lands covered by State Grants Nos. 16163 and 16164, described in a deed executed by James A. Martin and wife to the Champion Fibre Company, bearing date August 25, 1925 to which deed reference is hereby given for a complete description of the lands so excepted and excluded, net acreage 3739 acres.

SECOND BOUNDARY: Lying and being in Swain County, North Carolina, and being all that tract or boundary of land situated on the waters of the Bradley Fork of Oconaluftee River, adjoining the lands of the Champion Fibre Company, H.C. Reagan and the boundary first above described. Being commonly known as the C.C. Lantz lands and being the same lands fully described in a certain deed, executed by C.C. Lantz, to the Montvale Lumber Company, bearing date the 9th day of July, 1917, and recorded in the Office of the Register of Deeds of Swain County, North Carolina, in Book 44, Page 369, to which deed reference is hereby made for a complete description, and being the same land described in a deed from Frank B. St. John to James A. Martin, bearing date the 17th day of April, 1925, and recorded in Book 52, Page 83, of the records of Swain County, North Carolina, containing 1806 acres more or less.

Also all those lands included and covered by a certain Quit Claim deed executed by the Champion Fibre Company and the Harris Woodbury Lumber Company to Alden Howell, Alden Howell Jr., and James W. Reed by deed dated July 28, 1917, and recorded in the Office of the Register of Deeds of Swain County, North Carolina, in Book 44, Page 425; this tract is included in the second boundary.

The property, rights and interests hereby conveyed being the same described and conveyed in that certain deed from the Cherry River Boom and Lumber Company, a West Virginia Corporation, to said Grantor, dated 9th day of December, 1925, and registered in Book No. 52, at page 316, of the records of deeds of Swain County, and include all the rights, easements and privileges owned or enjoyed by said Grantor under and by virtue of the provisions of said deed or otherwise, as appurtenant to the premises above described, and include also all rights of way, easements and privileges acquired by said Grantor for the removal and/or manufacture of the timber products upon said lands and premises, whether said rights of way, easements and privileges affect lands within the area above described or the lands of other persons outside of said area; the true purpose and intention of this instrument being to vest in said Grantee all the property, rights, interests, estates and easements now vested in said Grantor in, over and upon the entire boundary of land described in the petition of said Grantee in the condemnation proceeding now pending in the Superior Court of Buncombe County, North Carolina, wherein said Grantee is petitioner and James A. Martin, et al., are respondents, and in which proceeding the Grantor has intervened and answered.

PROVIDED, HOWEVER, that nothing herein contained shall be construed to deprive the Grantor of the rights to remove any manufactured timber products, machinery or equipment, or other personal property, presently situated upon any lands outside the lands embraced in the foregoing description or the petition aforementioned; and

PROVIDED, FURTHER, that nothing herein contained shall be construed to convey any rights, property or interest in respect of the premises leased to the Grantor by the Champion Fibre Company for the purposes of the manufacture, storage and transportation of the timber products aforementioned, and which said lease has by contract between the Grantor and said Champion Fibre Company been cancelled and surrendered.

TO HAVE AND TO HOLD the premises above described, with every privilege and appurtenance thereunto belonging, to the said Grantee, its successors and assigns, to its and their only use and behoof, absolutely.

And the said Grantor covenants to and with said Grantee, its successors and assigns, that it is lawfully seized of the timber and rights hereby conveyed, and has the right to convey the same; that the same are free and clear from any and all encumbrances; and that it will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said Grantor, being thereunto duly authorized by the corporate action required by its charter and by-laws, and by the law of the State of its creation and the laws of the State of North Carolina, has caused these presents to be signed and executed by its President and its corporate seal to be hereunto affixed, attested by secretary, the day and year first above written.

BADGETT AND LATHAM LUMBER COMPANY

Corporate Seal
Attest Walter Briggs
Secretary

By Fred L. Space
President

STATE OF PENNSYLVANIA,
COUNTY OF LACKAWANNA

This the 7 day of February, A.D. 1930, personally came before me Clara L. Oakley, a Notary Public, in and for the County and State aforesaid, F.L. Space, who, being by me duly sworn, says he is president of the Badgett and Latham Lumber Company, and that the seal affixed to the foregoing instrument in writing is the corporate seal of the Company, and that said writing was signed and sealed by him in behalf of said corporation by its authority duly given. And the said F.L. Space acknowledged the said writing to be the act and deed of said corporation.

"Seal"

Clara L. Oakley
Notary Public Lacka County,
Pennsylvania

My commission expires March 9, 1931

STATE OF NORTH CAROLINA,
SWAIN COUNTY.

The foregoing certificate of Clara L. Oakley a notary Public of Lackawanna County, Pennsylvania, is adjudged to be correct. Let the instrument and certificate be registered.

This 19 day of Feb., A.D. 1930.

V.A. Browning
Clerk Superior Court

Filed for registration on the 19 day of Feb., 1930, at 5:00 o'clock P.M., and registered in the office of the Register of Deeds for Swain County, North Carolina, on the 20 day of Feb. 1930, in Book No. 59 of Deeds, at Page 54.

Ellis Burnette
Register of Deeds

NORTH CAROLINA,

SWAIN COUNTY.

THIS DEED, Made this the 15th day of February, 1930, S.E. Varner, Commissioner, under and pursuant to a judgment of the Superior Court of Jackson County, North Carolina, in a Special Proceeding entitled "Mrs. J.L. Cooper, Administrator of the Estate of J.L. Cooper, deceased, against Laura Fay Cooper, James Clinton Cooper, Vinnie Cooper Capps and husband, Clarence Capps and S.E. Varner, Guardian Ad Litem", party of the first part, to J.F. Nelson of Swain County, North Carolina, party of the second part:

W I T N E S S E T H :

That whereas, the said S.E. Varner, Commissioner of Court, being thereto licensed by a judgment in said special proceeding to sell the lands hereinafter described either at public or private to make assets to pay the debts of the estate, and it appearing to the Court from the affidavits of value and bids submitted in writing that the estate and interests of the heirs at law would be advanced and promoted by a private sale of said lands, and the court having so ordered, did sell the lands hereinafter described to the party of the second part, J.F. Nelson, he having made the highest and best bid in the sum of \$25.00 for said lands, and having complied in all respects with his said bid, and the sum having been reported to the Court which said Court entered a judgment directing a sale of said lands and said judgment having been confirmed and in all respects approved by a Judge holding the courts of the 20th Judicial District therein and directing the Commissioner upon the payment of the purchase money to execute a deed in fee simple to said purchaser:

NOW THEREFORE, in consideration of the premises, and the payment of the sum of \$25.00, the said S.E. Varner, Commissioner as aforesaid, doth hereby bargain, sell and convey to the said J.F. Nelson, and his heirs and assigns, a certain parcel, Lot or tract situate lying and being in Charleston Township, Swain County, North Carolina, and known as the J.L. Cooper Subdivision of a part of the Rufus Sherrill lands and North of the town of Ela in said County, and bounded and described as follows, to-wit:

BEGINNING at a small hickory on the bank of a branch that runs from R.L. Cline's place to Tuckaseigee River and runs thence a southeast direction to J.F. Nelson's northeast corner of his home tract in N.R. McHan's line; thence in a west direction to the Branch; thence up the branch to the beginning, containing 3/4 of an acre more or less.

TO HAVE AND TO HOLD said above described lands together with its appurtenances, to him the said J.F. Nelson and his heirs and assigns forever, in as full and ample manner as the said S.E. Varner, Commissioner, as aforesaid, is authorized and empowered to convey the same.

In witness Whereof, the said S.E. Varner, Commissioner, hath hereto set his hand and seal, the day and year first above written.

S.E. Varner (Seal)
Commissioner of Court

NORTH CAROLINA,
SWAIN COUNTY,

I, T.H. DeBord a Justice of the Peace in and for the County of Swain, do hereby certify that S.E. Varner, Commissioner of Court, personally appeared before me this day and acknowledged the execution of the foregoing deed of conveyance.

Witness my hand and official seal, This the 15th, day of February, 1930.

T.H. DeBord
Justice of the Peace

STATE OF NORTH CAROLINA, SWAIN COUNTY

The foregoing or annexed certificate of T.H. DeBord a Justice of the Peace of Swain County, is adjudged to be correct. Let the ~~same~~ said deed and the certificates, be registered.

Witness my hand and official seal, this 22 day of February 1930.

H.R. Browning

D. Clark of Superior Court

Filed for registration at 1:30 o'clock P.M. Feb. 22 1930 and registered in the office of the Register of Deeds for Swain County North Carolina on the 24 day of Feb. 1930 in Book 59 Page 55.

Ellis Burnette
Register of Deeds