

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

STATE OF NORTH CAROLINA,
Petitioner,

-vs-

C. W. PARKER AND WIFE, S. E. PARKER,
HEIRS AT LAW OF J. J. BECK AND H. J.
BECK, to-wit:

RUFUS BECK AND WIFE,
J. H. BECK AND WIFE,
THOMAS BECK AND WIFE,
GEORGE BECK AND WIFE,
SALLIE MANEY AND HUSBAND, L. A. W. MANEY,
J. T. BECK AND WIFE,
HEIRS AT LAW OF S. L. BECK, to-wit:
FLOYD JENKINS (heir at law of Laura
Jenkins, Deceased),
LENOIR BECK,
ELMINA AYERS AND HUSBAND, J. M. AYERS,
HEIRS AT LAW OF HETTIE SUTTON (Deceased),
CLING BECK AND WIFE,
VICTORIA CONNOR AND HUSBAND,
HARLEY BECK,
MINNIE BECK,
BESSIE LOFTIS AND HUSBAND;
WILLIAM H. BECK,
M. JACK BECK,
JOSEPH M. BECK AND WIFE,
ALLEN BECK,
J. R. BECK,
HEIRS AT LAW OF ETTA MANEY, to-wit:
MAY WILLIX AND HUSBAND,
FLORA WHITEHEAD AND HUSBAND,
HAYES MANEY;
AND KIMSEY BECK,

Respondents.

FINAL
JUDGMENT.

This cause coming on to be heard before the undersigned Clerk of the Superior Court of Buncombe County, North Carolina, on this Monday, the 27th day of January, 1930, 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 2nd day of August, 1929, and that the duly varifies petition of the State of North Carolina, was on said date duly filed in this Court, and that said summons and said duly varified petition herein have 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; that the respondents, C. W. Parker and wife, S. E. Parker, appeared and answered herein, as 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 respondent, 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, all of which will more fully appear by the records of said proceeding.

2. That heretofore, to wit, on the 2nd day of December, 1929, (the time for answering having fully elapsed and expired as to all and every of the respondents summoned herein and 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 dully ordered and adjudged, inter alia, that Alex Moore, G. H. Haigler and J. F. Palmer 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 owing or interested in the real estate so appraised by them, and to make a report to the Court herein, according to law, and said commissioners were required, before entering upon their duties, to take and subscribe, 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 31st day of December, 1929, 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 so appraised by them, at the sum of SIXTEEN THOUSAND, FIVE HUNDRED DOLLARS (\$16,500.00); and said commissioners and appraisers further estimated the special benefits which said owners will receive in consequence of the condemnation of said lands to be the sum of NONE DOLLARS(\$0.00).

4. That ensuing the filing of the report of said commissioners and appraisers in the last preceding paragraph hereof mentioned, to wit, on the 7th day of January, 1930, the respondents, C. W. Parker and wife, S. E. Parker, duly objected and excepted to said report of said commissioners, for causes alleged in the notice thereof duly filed in Court and served upon the petitioner, as will more particularly appear by the records and files in this cause, and upon the hearing duly had before the undersigned Clerk upon the aforesaid objections, ^{and exceptions} the same were overruled by the Court, and said respondents duly excepted to said ruling; and the Court further finds as a fact that no other respondent, person, firm or corporation, whomsoever, has, in any manner, objected or excepted to the report of said commissioners; 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 delimitated 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 order appointing commissioners in this cause, of date the 2nd day of December, 1929, 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 sum of SIXTEEN THOUSAND, FIVE HUNDRED DOLLARS (\$16,500.00), 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 sum of money shall be paid out and disbursed to the person and 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 sum of money aforesaid, 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.

5. That the lands described in the petition and containing 198.07 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 C. W. PARKER LANDS IN SWAIN COUNTY,
NORTH CAROLINA.

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

TRACT NO. 79

Lying on the West bank of the Oconaluftee River about 53 chains North of Lambert Creek.

BEGINNING at Corner 1, a beech on the bank of the river and Corner 4 of the J. H. Bradley Tract (78); thence, down the river with its meanders, S. 76-36 W., 18.65 a point; S. 88-36 W., 7.50, Corner 2, a point in the center of the river opposite line fence; thence with the line of the Dougherty Tract (80), and its fence meanders, N. 27-21 W., 9.14 a point; N. 36-40 W., 1.22 a point; N. 59-58 W., 3.00 Corner 3, a stake in fence corner on North bank of stream at point of ridge; thence with the ridge meanders,

N. 30-49 W., 7.32 a point; N. 51-48 W., 2.30 a point;
N. 36-00 W., 3.02 a point; N. 11-06 W., 2.09 a point;

N. 34-34 W., 3.28 a point; N. 23-35 W., 2.50 a point;
N. 8-28 W., 3.82 a point; N. 69-01 W., 2.06 a point;
N. 73-50 W., 1.85 a point; N. 58-21 W., 1.39 a point;
N. 19-03 W., 2.10 a point; N. 0-35 W., 3.73 a point;
N. 7-15 E., 2.50 a point; N. 3-39 E., 5.92 a point;
N. 12-58 E., 1.85 a point; N. 8-27 E., 1.76 a point;
N. 20-44 E., 3.20 a point; N. 32-26 E., 3.31 a point;
N. 23-10 E., 1.34 a point; N. 17-05 E., 3.09, corner 4, an 8" spanish oak with corner marks and witnesses, a common corner with the Dougherty Tract (80), and the Fred and Ed Floyd Tract (89); thence with 3 lines of the Floyd Tract (89), N. 76-26 E., 1.25, Corner 5, a point with witnesses on a knob; N. 32-08 E., 7.43, Corner 6, a point on a ridge. Set a post scribed F.P., a 6" chestnut oak bears N. 70-00 W., .08 chain distant, scribed B.T.F. S. 59-09 E., 9.12, Corner 7, a point near hollow. Set a post scribed F. P. A common corner with the Ed Floyd Tract (88), thence with the Ed Floyd Tract (88), S. 2-13 W., 12.07, Corner 8, a 6" sourwood with old marks and witnesses. A 6" hickory bears S. 28-00 W., .16 chains distant, scribed B.T.P. S. 23-04 E., 2.86 a point; S. 4-57 E., 9.61 a point; S. 33-24 E., 4.87 a point; S. 49-59 E., 1.36 a point; S. 57-51 E., 2.21 Corner 9, point on ridge top. Set a post scribed P. F. An 18" walnut bears S. 9-00 W., .45 chains distant, scribed B.T.F. S. 37-17 W., 5.85 Corner 10, a small dogwood near corner of fence. A small oak bears N. 77-00 W., .30 chains distant, scribed B.T.F. S. 84-35 E., 18.17 Corner 11, a large white oak with witness marks. Thence, with meanders of the ridge, S. 35-09 E., 2.41 a point; S. 15-33 E., 2.59 a point; S. 65-18 E., 2.93 a point; S. 54-17 E., .94 a point; S. 66-28 E., 5.24 a point; S. 76-42 E., 2.05 Corner 12, a 6" white oak on ridge top with a black oak witness and common corner to the J. H. Bradley Tract (78); thence with the Bradley Tract (78), S. 6-54 W., 22.31, to the place of BEGINNING, containing 162.77 acres.

EXCEPTION

EXCEPTING, however, from the tract hereinbefore described as Tract No. 79, a certain piece or parcel of land described in a deed from C. W. Parker and wife to J. J. Enloe, dated January 20, 1912, and recorded in Swain County, in Book No. 37 of Deeds, at page 400, and more particularly bound and described as follows:

Being a part of State Grant #1027, BEGINNING on a sourwood in the line of Grant 1027, also in the line of the old Hyde Tract on top of said ridge, North corner of a tract J. J. Enloe conveyed to C. W. Parker; thence North with the line of #1027 and with line of said Hyde Survey, 29 poles to a stake, Northeast corner of Grant #1027; thence North 60° West with the line of #1027, 50 poles to a small spanish oak in said line on top of a ridge; thence South 32° West 33 poles to a spanish oak on top of the _____ Knob; thence down said ridge as it meanders, 69 poles to the BEGINNING, containing 10.75 acres.

TRACT NO. 79a

Lying in the Western watershed of the Oconaluftee River, just south of Lambert Branch.

BEGINNING at Corner 1, a point on the Indian Boundary line just north of Lambert Creek, shown by Luther Allison as site of Corner; thence with two lines of the Indian Boundary, N. 4-01 W., 13.06; Corner 2, a point in old fence row. Set a post scribed I.B. A 12" walnut bears N. 85-00 E., .15 chains distant, scribed B.T. N. 87-00 W., 11.86, Corner 3, a black oak and common corner with the William Stepp Tract (86); thence with the Stepp Tract (86), and the meanders of the ridge,

N. 24-25 E., 4.42 a point; S. 34-20 W., 2.97 a point;
N. 71-41 W., 4.61 a point; S. 65-18 W., 1.08 a point;
N. 58-40 W., 3.94 a point; N. 69-30 W., 1.56 a point;

N. 63-04 W., 8.31 a point; N. 82-10 W., 1.13 a point;
N. 15-54 W., 3.14 a point; N. 73-06 W., 2.59 a point;
N. 58-44 W., 2.94 a point; S. 74-25 W., .73 Corner 4, a fallen chestnut, Corner 1 of the L. Duchett Tract (85), and in line of the William Stepp Tract (80); thence with the Duckett Tract (85), N. 15-35 E., 8.60, Corner 5, a large chestnut at the corner of wire fence, scribed P. D. in the Indian Boundary Line. Thence, with the Indian Boundary Line, S. 67-50 E., 39.12, to the place of BEGINNING, containing 46.05 acres.

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 of the rights, claims, interest 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 may 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 27th day of January, 1930.

(Signed) J. B. Cain
Clerk Superior Court,
Buncombe County, North Carolina.

NORTH CAROLINA, : IN THE SUPERIOR COURT
BUNCOMBE COUNTY. : FIRST JULY TERM, 1931.

STATE OF NORTH CAROLINA, :
Petitioner, :
-vs- :
C.W.PARKER and wife, S.E.PARKER, : FINAL JUDGMENT AT TERM
HEIRS-AT-LAW OF J. J. BECK AND H. J. :
BECK, to-wit: RUFUS BECK AND WIFE, :
et al., :
Respondents. :
:

This cause coming on to be heard at the First July Term, 1931, of the Superior Court of Buncombe County, upon the appeal of the respondents, C.W.Parker and wife, S.E.Parker, from the final judgment of the Honorable J.B.Cain, Clerk of the Superior Court of Buncombe County, North Carolina, before His Honor, A.M.Stack, Judge Presiding, and a jury; and pending the trial of said cause, the said appellants in open court withdrew their appeal, and it is now, by consent of the petitioner and the said appellants, considered, ordered and adjudged by the Court, as follows:-

1. That the aforesaid final judgment of said Clerk be, and the same heretofore is, in all respects, approved, ratified and confirmed, and is hereby ipsissimi verbis made the final judgment in this cause.

2. That the said appellants have and recover for and on account of interest heretofore accrued on the judgment aforesaid, the sum of \$1,000.00, and no more, and that the principal of said judgment shall bear interest from the first day of this term, but only in the event that this judgment shall not be paid during the present term.

3. It is further considered, ordered and adjudged that the taxable costs incurred in this cause by both the petitioner and the respondents shall be paid by said petitioner, as required by law, but it is expressly stipulated and provided that the appellants shall recover no more than the sum of \$100.00 - for and on account of their witnesses' cost at the present term. And it is further ordered and adjudged that the amount of \$200.00, heretofore advanced and paid

to the said appellants on account of costs, shall be accounted for by said appellants and applied upon the whole costs taxable in favor of said appellants in this case.

4. It is further considered, ordered and adjudged that the aforesaid final judgment of said Clerk and this judgment approving, ratifying and confirming said final judgment, be spread upon the minutes and duly recorded upon the judgment records of this Court, according to the course and practice of the Courts, and that a copy thereof, duly certified, be recorded upon the records of deeds on the office of the Register of Deeds of Swain County, North Carolina, as provided by law.

This the 15th day of July, 1931.

(Signed) A.M. Stack
Judge Presiding.

BY CONSENT:

(SIGNED) L. R. VARSER
Attorney for Petitioner.

(SIGNED) ZEBULON WEAVER

(SIGNED) FRANK CARTER

(SIGNED) EDWARDS & LEATHERWOOD

(SIGNED) ALLEY & ALLEY
Attorneys for the North Carolina
Park Commission.

(SIGNED) JONES & WARD
Attorneys for Respondents.

NORTH CAROLINA
BUNCOMBE COUNTY.

IN THE SUPERIOR COURT.

STATE OF NORTH CAROLINA,

Petitioner,

-vs-

C.W.PARKER and wife, S.E.
PARKER, HEIRS-AT-LAW OF J.J.
BECK and H.J. 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, and also a true and perfect copy of the FINAL JUDGMENT entered by Judge A. M. Stack, Judge Presiding, the said judgment having been entered at the First July Term, 1931, of the Superior Court of Buncombe County, as the same appear on file and record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, this the 24 day of July, 1931.

(SEAL)

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

STATE OF NORTH CAROLINA,
SWAIN COUNTY.

The foregoing or annexed certificate of J. B. Cain a 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 5 day of Aug. 1931.

V.A. Browning
Clerk of Superior Court.

Received for registration on this 5th day of August, 1931; then was the foregoing Final Judgment registered in Book 60, on page 83, August 7th, 1931.

Frank Hyatt
REGISTER OF DEEDS.

NORTH CAROLINA,
SWAIN COUNTY.

This AGREEMENT, made and entered this the 31st day of July, 1931, by and between J. L. Reeves of Haywood County, North Carolina, and J. E. Coburn, Administrator of the estate of Gordan Rogers of Swain County, North Carolina, hereinafter known and designated as PARTIES OF THE FIRST PART, to J. C. Cannon, M. B. Cannon and L. H. Cannon, trading and doing business under the firm name and style of Cannon Bros., of Jackson County, North Carolina, hereinafter known and designated as PARTIES OF THE SECOND PART:

WITNESSETH: Whereas, J. L. Reeves and the heirs at law of Gordan Rogers are the owners in fee of the lands and premises hereinafter described in Bryson City, Swain County, North Carolina, and on which is now located a filling station; and

WHEREAS, Gordan Rogers died intestated on or about the 6th day of April, 1931, leaving him surviving four (4) minor children ranging from eight to nineteen years of age, and, whereas, on the 27 day of July, 1931, J. E. Coburn, upon application to the Clerk of the Superior Court of Swain County, was duly appointed Administrator for the estate of Gordan Rogers, deceased; and

WHEREAS, the said J. L. Reeves has invested in the property hereinafter described the sum of \$3500.00, and the said Gordan Rogers, deceased, has invested in said property the sum of \$2200.00; and

WHEREAS, the said J. L. Reeves, and the said J. E. Coburn, Administrator as aforesaid, by permission of, and upon the approval by, the Court, are willing and desirous of leasing the lands and premises hereinafter described to the said parties of the second part upon the terms and conditions hereinafter stated:

NOW, THEREFORE, the said parties of the first part for and in consideration of the premises and in consideration of the agreements and covenants hereinafter mentioned, to be fulfilled by the said parties of the second part, have and by these presents do hereby demise and lease to the said parties of the second part, and their heirs and assigns, for a period of Three (3) years, to commence the 1 day of August, 1931, all that certain piece, parcel or tract of land, situate, lying and being in Bryson City, Swain County, North Carolina, and more particularly described as follows:

BEGINNING at the point of the intersection of the western line of State Highway No. 10, with the northerly line of west Main Street; thence with the northerly line of said west Main Street S. 55 dgs. 50' W. 56.0 feet to the intersection of the easterly line of the old highway; thence leaving west Main Street and with the easterly line of the said old highway N. 34 dgs. 10' W. 175.0 feet to its intersection of the westerly line of the new State Highway No. 10, S. 50 dgs. 47' E. 185.0 feet to the BEGINNING, as per plat attached, and being com-