

NORTH CAROLINA,
BUNCOMBE COUNTY,

IN THE SUPERIOR COURT
BEFORE THE CLERK.

STATE OF NORTH CAROLINA,
Petitioner,
-vs-

FINAL
JUDGMENT.

F.F.FLOYD,
EDD FLOYD AND WIFE, MARY FLOYD,
HATTIE HAYES AND HUSBAND, J.C.HAYES,
P.L.HYDE (WIDOW),
R.P.HYDE,
GUY WEAVER AND WIFE, ETHEL T.WEAVER,
HARRIS-WOODBERRY LUMBER COMPANY, A CORPORATION,
HEIRS AT LAW OF SARAH ANGELINE FLOYD, - viz.:
LILLIE M.RHYMER AND HUSBAND, W.M.RHYMER,
H.T.FLOYD AND WIFE, JANE FLOYD,
ADDIE M.MILLER AND HUSBAND, J.F.MILLER,
A.H.FLOYD AND WIFE, PEARLE FLOYD,
A.S.FLOYD,
W.M.FLOYD AND WIFE, KATIE FLOYD,
ELLEN SCOTT AND HUSBAND, CHARLES SCOTT,
MISS JESS ENLOE,
CUMI ENLOE MASON AND HUSBAND, CHARLES MASON;
HEIRS AT LAW OF S.A.MONTEITH (NAMES UNKNOWN);
HEIRS AT LAW OF MARGARET BROWN (NAMES UNKNOWN),
HEIRS AT LAW OF W.H.QUEEN, - viz.:
S.A.QUEEN (WIDOW),
T.C.QUEEN AND WIFE, MARIAM,
CANDLER QUEEN AND WIFE,
HENRY QUEEN,
MARY FLOYD AND HUSBAND, EDD FLOYD,
LAWRENCE PARKER AND HUSBAND, VERNON PARKER,
COLEMAN QUEEN AND WIFE, OTENNA QUEEN,
RUFUS B.QUEEN,
AVA AMSBERRY AND HUSBAND, M.H.AMSBERRY;
CITIZENS BANK OF BRYSON CITY, A CORPORATION,
MERCHANTS AND MANUFACTURERS BANK, A CORPORATION,
I.J.COOPER LUMBER COMPANY (WHETHER PARTNERSHIP
OR CORPORATION IS NOT KNOWN),
MCKINLEY EDWARDS, TRUSTEE,
HUGH N.LAMBERT,
T.C.QUEEN, TRUSTEE,
L.C.CONNOR,
GARDEN CITY GUMMED PAPER COMPANY, A CORPORATION,
C.C.CAMPBELL AND WIFE, U.C.CAMPBELL,
J.S.CAMPBELL AND WIFE, M.E.CAMPBELL,
J.P.CAMPBELL AND WIFE, E.J.CAMPBELL, and
T.E.CAMPBELL AND WIFE, L.K.CAMPBELL,

Respondents.

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 13th day of September, 1929, and that the duly varified 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 ^{has been} ~~was~~ 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 herein mentioned and to make such answer, defence or plea as they may be advised; that the respondents, F.F.Floyd, Ed Floyd and his wife, Mary Floyd, R.P.Hyde and his wife, Sallie M. Enloe Hyde, Cumi Enloe Mason and her husband, Charles Mason, Jessie Enloe Kupferer and

her husband, _____ Kupferer, and Martha Hyde Gibson and her husband, John Gibson, Hattie Hayes and Husband, J.C. Hayes, 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 wherefore, 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 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 is duly ordered and adjudged, inter alia, that Alex Moore, G.H. Haigler and J.F. Palmer be, ^{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 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 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 the said commissioners and appraisers, by their report in the last preceeding 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) For the lands and premises mentioned and described in the petition and exhibits thereto as Tracts numbered 91, 91a and an undivided one-half interest in the mill situate on Tract numbered 88, and an undivided one-half interest in Tract numbered 89, excluding, however, from Tract 89, 10.75 acres in the southeast corner of said tract, as shown in the exhibits aforesaid, at the sum of THIRTY-SEVEN THOUSAND, FOUR HUNDRED DOLLARS (\$37,400.00).

(b) For the lands and premises mentioned and described in the petition and exhibits thereto as Tract numbered 88, an undivided one-half interest in the mill situate on Tract numbered 88, and an undivided one-half interest in Tract numbered 89, excluding, however, from Tract 89 10.75 acres in the southeast corner of said tract, as shown in the exhibits aforesaid, at the sum of THIRTY ONE THOUSAND, THREE HUNDRED DOLLARS (\$31,300.00).

(c) For the lands and premises mentioned and described in the petition and exhibits thereto as Tract numbered 88a, at the sum of EIGHT THOUSAND, TWO HUNDRED DOLLARS (\$8,200.00).

(d) For the lands and premises mentioned and described in the petition and exhibits thereto as the Tract of 10.75 acres aforementioned, located within the bounds and the southeast corner of said Tract 89, at the sum of ONE HUNDRED DOLLARS (\$100.00).

And said commissioners and appraisers further estimated the special benefits which said owners will receive in consequence of the condemnation and appropriation 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 Ed Floyd, F.F.Floyd and Mary Floyd, wife of said Ed Floyd, 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 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 COUNCIL 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, all and singular, the amounts and sums of money, separately and severally, ascertained, appraised

and determined by said commissioners, as set forth in their said report, 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, that is to say:

(a) For the lands and premises mentioned and described in the petition and exhibits thereto as Tracts numbered 91, 91a and an undivided one-half interest in the mill situate on Tract numbered 88, and an undivided one-half interest in Tract numbered 89, excluding, however, from Tract 89, 10.75 acres in the southeast corner of said tract, as shown by the exhibits aforesaid, the sum of THIRTY-SEVEN THOUSAND, FOUR HUNDRED DOLLARS (\$37,400.00).

(b) For the lands and premises mentioned and described in the petition and exhibits thereto as Tract numbered 88, an undivided one-half interest in the mill situate on Tract numbered 88, and an undivided one-half interest in Tract numbered 89, excluding, however, from Tract 89, 10.75 acres in the southeast corner of said Tract, as shown in the exhibits aforesaid, the sum of THIRTY ONE THOUSAND, THREE HUNDRED DOLLARS (\$31,300.00).

(c) For the lands and premises mentioned and described in the petition and exhibits thereto as Tract numbered 88a, the sum of EIGHT THOUSAND, TWO HUNDRED DOLLARS (\$8,200.00).

(d) For the lands and premises mentioned and described in the petition and exhibits thereto as the Tract of 10.75 acres aforementioned, located within the bounds and the southeast corner of said Tract 89, the sum of ONE HUNDRED DOLLARS (\$100.00).

Which said amounts and sums 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 amounts and sums of money aforesaid, as particularly set forth in the last preceding paragraph hereof, 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, 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 1,902.54 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 F.F. AND ED FLOYD 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.

ED FLOYD TRACT NO. 88

Lying on the West bank of the Ocona Luffy River, and on the South bank of Mingus Creek.

BEGINNING at Corner 1, a point in the center of Ocona Luffy River in line of the S.A. Smith Heirs Tract (76), and corner 3 of the Frank Cordell Tract (77). Thence, with three lines of the Frank Cordell Tract (77), S. 29-51 W., 6.76, Corner 2, a fence post on North side of road, scribed C.F. N. 69-43 W. .97, Corner 3, a point on South side of road, where wire fence leaves road. Set a post scribed C.F. A 12" locust bears S. 20-00 W. .15 chain distant, scribed B.T.C. S. 17-35 W. 8.49 Corner 4, a locust post on top of ridge, with a very old hickory witness, scribed F.B.C., Corner 1 of the Frank Cordell Tract (77), and Corner 2 of the J.H. Bradley Tract (78). Thence, with the Bradley Tract (78), S. 68-49 W., 4.50 Corner 5, a 6" white oak on ridge top with a black oak witness. Corner 1 of the Bradley Tract (78), and Corner 12 of the C.W. Parker Tract (79). Thence, with the Parker Tract (79), and meanders of the ridge, N. 76-42 W. 2.05 a point; N. 66-28 W., 5.24 a point; N. 54-17 W., .94 a point; N. 65-18 W., 2.93 a point; N. 15-33 W., 2.59 a point; N. 35-09 W., 2.41 Corner 6, a large white oak with witnesses; N. 84-35 W., 18.17 Corner 7, a small dogwood near corner of fence. A small oak bears N. 77-00 W. .30 chain distant, scribed B.T.F. N. 37-17 E., 5.85, Corner 8, a point on ridge top. Set a post scribed P.F. An 18" walnut bears S. 9-00 W. .45 chain distant, scribed B.T.F. N. 57-51 W., 2.21 a point; N. 49-59 W. 1.36 a point; N. 33-24 W., 4.87 a point; N. 4-57 W. 9.61 a point; N. 23-04 W., 2.86 Corner 9, a 6" sourwood with old marks and witnesses. A 6" hickory bears S. 28-00 W., .16 chain distant, scribed B.T.P. N. 2-13 E., 12.07 Corner 10, a point near hollow. Set a post scribed F.P. Corner 7, of the Parker Tract (79), and Corner 1 of the F.F. AND ED. FLOYD TRACT (89). Thence, with two lines of the Floyd Tract (89), N. 1-47 E., 16.64., Corner 11, a point near edge of field. Set a post scribed F. A 6" dogwood bears N. 75-00 E., .05 chain distant, blazed and scribed B.T.F. Corner 13 of the F.F. and Ed Floyd Tract (89). N. 89-44 W., 75.20, Corner 12, a point in the line of Grant 409. Corner 13, of the F.F. Floyd Tract (91a), and Corner 12 of the F.F. and Ed. Floyd Tract (89), Thence, with the F.F. Floyd Tract (91a), N. 4-17 E., 12.21, Corner 13, a large chestnut on the North bank of the road and the South bank of Mingus Creek. The beginning corner of Grant 469, Corner 1 of the F.F. Floyd Tract (91a); thence with the Burt Crisp Tract (93), and the meanders of Mingus Creek. N. 31-58 E., 3.12 a point; N. 66-49 E., 6.35 a point; S. 55-24 E., 3.91 a point; N. 74-11 E., 2.18 a point; S. 87-28 E., 2.19 a stake at the mouth of Stamper Branch, .30 chain North of the road bridge, Scribed F.F. Cor. 1. Corner 1 of the F.F. Floyd Tract (91), and Corner 1 of the Burt Crisp Tract (93),. Thence, with the Floyd Tract (91), and the meanders of Mingus Creek, S. 87-12 E., 2.13 a point; N. 45-19 E., 1.90 a point; N. 50-00 E., 1.30 a point; N. 79-13 E., 1.53 a point; N. 67-27 E., 1.96 a point; N. 62-15 E., 1.76 a point; N. 72-39 E., 1.95 a point; N. 58-16 E., 1.67 a point; S. 84-02 E., 2.27 a point; S. 54-50 E., 4.42 a point; N. 84-41 E. 1.45 a point; S. 78-55 E., 2.03 a point; N. 88-14 E., 3.61 a point; N. 81-05 E., 4.19 a point; N. 65-27 E., 4.71 a point; N. 49-44 E., 4.62 a point; N. 59-10 E., 1.91 a point; N. 70-28 E., 1.55 a point; N. 82-45 E., 1.01 a point; S. 76-17 E., 1.47 a point; N. 57-25 E., 1.86 a point; N. 82-44 E., 1.58 a point; S. 64-49 E., 1.90 a point; N. 82-38 E., 2.35 a point; N. 62-09 E., 1.26 a point; N. 75-29 E., 6.59 a point; N. 57-25 E., 2.86 a point; N. 37-31 E., 1.51 a point; N. 58-23 E., 1.96 a point; N. 65-06 E., 1.98 a point; N. 73-15 E., 2.71 a point; S. 79-34 E., 3.93 a point; S. 49-18 E., 1.12 Corner 14, a point at the mouth of Mingus Creek. Corner 25 of the Floyd Tract (91). Thence down the river, S. 41-55 E., 5.67 Corner 15, a point in the center of Ocona Luffy River, and common corner with the Hattie Hayes Tract (90a). Thence, with the Hayes Tract (90a), S. 56-34 W., 13.26

Corner 16, a 20" spanish oak with marks. Thence, with the ridge meanders, S. 32-42 W., S. 56-03 E., 6.87 corner 18, a double spanish oak with marks and witnesses; 1.28 a point; S. 48-42 W., 3.48, Corner 17, a post on a ridge, with witnesses; S. 72-39 E., 11.48, Corner 19, a point in the center of the bridge, common corner ^{with} to the Hayes Tract (90a); thence, with the meanders of the river.

S. 1-00 W., 8.36 a point; S. 31-06 E., 5.41 a point; S. 44-06 E., 1.89 a point; S. 53-35 E., 2.39 a point; S. 60-14 E., 8.51 a point; S. 53-25 E., 7.77 a point; S. 31-23 W., 7.09 a point; S. 8-47 W., 8.89 a point; S. 6-44 E., 9.72 a point; S. 50-57 E., 8.88 a point; S. 71-01 E. 3.70 the place of BEGINNING, containing 374.27 acres.

ED FLOYD TRACT NO. 88a

Lying on the South and West bank of Mingus Creek, about one and a half miles from its mouth.

BEGINNING at Corner 1, a post, scribed J.J.E. Cor. 2, Corner 37 of the Champion Fibre Co. Tract (1), and Corner 2 of the J.J. and K. Enloe Tract (99). Thence with the Champion Fibre Co. Tract (1), N. 66-59 W., 1.01, Corner 2, a point which is Corner 3 of the J.E. Coburn Tract (100a), and corner 38 of the Champion Fibre Co. Tract (1). A spanish oak with markings, bears S. 0-58 W., 1.26 chains, distant. Thence, with two lines of the J.E. Coburn Tract (100a), N. 80-59 W., 25.23 Corner 3, an 18" black oak with old witnesses N. 86-47 W. 6.12 Corner 4, a chestnut oak with old markings and witnesses. Corner 1 of the Coburn Tract (100a) and corner 45 of the Champion Fibre Co. Tract (1). Thence, with the Champion Fibre Co. Tract (1), S. 7-25 W., 3.15 Ramey Branch flows East, 25-30 Corner 5, a 14" white oak with old markings and witnesses, on top of the main divide, Ocona Luffy River and Coopers Creek. Thence, with meanders of the divide and the Champion Fibre Co. Tract (1) S. 53-49 E., 4.28 a point; S. 46-44 E., 6.44 a point; S. 64-00 E., 4.97 a point; S. 68-11 E., 2.28 a point; S. 59-54 E., 5.48 a point; S. 0-21 W., 1.45 a point; S. 12-50 W., 8.64 a point; S. 21-40 E., 6.95 a point; S. 1-13 W., 4.69 a point; S. 22-46 W., 5.18 a point; S. 5-29 E., 7.55 a point; S. 6-09 W., 2.48 a point; S. 44-58 E., .90 a point; S. 67-51 E., 4.61 a point; S. 37-05 E., 5.46 a point; S. 10-43 E., 3.34 a point; S. 33-23 E., 4.89 a point; S. 38-45 E. 1.59 a point; S. 50-30 E., 3.32 a point; S. 2-48 E., 4.73 a point; S. 1-26 E., 2.83 a point; S. 20-16 E. 4.96 Corner 6, a 16" black oak with old markings on the divide. Corner 47 of the Champion Fibre Co. Tract (1), and corner (1) of the Calloway and Weaver Tract (92), Thence, with three lines of the Calloway and Weaver Tract (92), S. 45-42 E., 22.67 Corner 7, a stone corner with witnesses, beside a fence post. S. 17-39 E., 19.71 Corner 8, a 4" sourwood snag marked recently as corner. N. 73-11 E., 29.43 Corner 9, a 14" cucumber at Corner of fence, blazed and scribed F.W. Corner 6 of the Calloway and Weaver Tract (92), and Corner 6 of the F.F. and Ed Floyd Tract (89). Thence, with two lines of the Floyd Tract (89), N. 73-07 E., 19.39, Corner 10, a chestnut tree, scribed F.F. A 20" maple bears S. 62-00 E., .15 chain distant, blazed and scribed B.T.F.F. N. 16-34 W., 9.89 Corner 11, a poplar stake scribed F.F. Corner 8 of the Floyd Tract (89), and corner 9 of the F.F. Floyd Tract (91a). Thence, with two lines of the Floyd Tract (91a) N. 35-50 W., 8.38 Corner 12, a 20" hickory with old marks and witnesses, blazed and scribed F. Witness a 6" black oak .27 chain distant, blazed and scribed B.T.F. Common corner to Grant 409 and 822. N. 4-39 E., 16.99, Corner 13, a point in the center of Mingus Creek about 4.00 chain below the mouth of Hickory Flat Branch. Corner 7 of the Floyd Tract (91a) and common corner to the Hattie Hayes Tract (90b), Thence, with the Hayes Tract (90b), and the meanders of Mingus Creek N. 53-04 W., 1.10 a point; N. 26-26 W., 1.03 a point; N. 28-41 W., 2.49 a point; S. 88-17 W., 3.48 a point; S. 60-25 W., 2.14 a point; S. 65-46 W., 1.38 a point; S. 63-31 W., 3.10 a point; S. 60-39 W., 1.53 a point; S. 68-20 W., 1.68 a point; S. 89-39 W., 1.64 a point; N. 84-22 W., 2.42 a point;

S. 78-01 W., 1.29 a point; N. 86-10 W., .87 a point; N. 76-15 W., 2.10 a point; S. 88-28 W., 4.25 a point; S. 81-26 W., 1.94 a point; S. 68-51 W., 1.85 a point; S. 64-51 W., 1.56 a point; N. 40-15 W. 1.76 a point; N. 15-21 W. 1.24 a point; N. 46-16 W., 1.80 a point; N. 4-45 E. 1.05 a point; N. 25-20 W. .94 a point; N. 23-35 W. 2.75 a point; N. 0-21 E., 1.28 a point; N. 35-20 W., .69 a point; N. 10-18 E., 1.03 a point; N. 13-57 W., 1.38 a point; N. 3-53 E., 2.32 a point; N. 48-04 W., 1.21 a point; N. 89-52 W., .75 Corner 14, a large stone on South margin of road about .30 chains from center of Mingus Creek, old corner marked H.W. Corner 2 of the Vance Gibson Tract (94), and a common corner to the Hattie Hayes Tract (90b). Thence, with 6 lines of the Gibson Tract (94), N. 29-37 W., 8.40 Corner 15, two locusts, blazed and scribed V.G.Cor.III. N. 56-01 W., 6.59, Corner 16, a 24" chestnut tree, blazed and scribed V.G.Cor. IV. N. 87-25 W., 12.20 Corner 17 a 15" chestnut. Witness a 15" black oak, blazed and scribed B.T.V.G. Cor. V. N. 3-58 E., 12.84 Corner 18, a stake by a rock and hickory, old corner. S. 46-47 E. 5.76 Corner 19, a planted stone by a 4" hickory. N. 1-52 W., 1.73, Corner 20, a chestnut stake, scribed H.Cor. III. A 24" chestnut oak bears S. 12-00 E., .12 chain distant blazed and scribed B.T.H.Cor. III. Corner 8 of the Gibson Tract (94), and Corner 3, of the W.M.Hoyle Tract (95), Thence, with the Hoyle Tract (95), N. 1-02 E., 31.48 Corner 21, a chestnut stake, scribed E.K.Cor. III. Corner 8 of the Hoyle Tract (95), and Corner 4 of the Elbert Keener Tract (96), Thence, with the Keener Tract (96), N. 2-16 E. 12.26 Corner 22, a point on top of a ridge. A 36" chestnut tree bears S. 35-00 E., .18 chain distant, blazed and scribed B.T.J.J.E. Cor.No. 1. Corner 3 of the Keener Tract (96), and Corner 1 of the J.J. and K.Enloe Tract (99). Thence with the Enloe tract (99), N. 70-03 W., 11.61, the place of BEGINNING, containing 531.64 acres.

F.F. AND ED. FLOYD TRACT (89)

Lying about 20 chains West of the Ocona Luffy River, and about 20 chains South of Mingus Creek.

BEGINNING at Corner 1, a point near hollow. Set a post scribed F.P. Corner 7, of the C.W.Parker Tract (79), and Corner 10 Of the Ed Floyd Tract (88). Thence, with three lines of the Parker Tract (79), N. 59-09 W., 9.12, Corner 2, a point on a ridge. Set a post scribed F.P. A 6" chestnut oak bears N. 70-00 W. .08 chains distant, scribed B.T.F. S. 32-08 W., 7.43 Corner 3 a point with witnesses on a knob. S. 76-26 W., 1.25, Corner 4, and 8" spanish oak with corner marks and witnesses. Corner 4 of the Parker Tract (79), and Corner 8 of the Ora Dougherty Tract (80). Thence, with the Dougherty Tract (80), and the meanders of the ridge, N. 55-13 W., 1.16 a point; N. 32-27 W. 4.00 a point; N. 70-15 W., 1.98 a point; N. 44-50 W., 1.91 a point; S. 60-57 W., 2.24 a point; S. 76-49 W., 3.67 a point; S. 88-04 W., 8.34 a point; N. 79-55 W., 4.00 a point; N. 86-22 W., 2.77 a point; N. 75-32 W., .70 a point; S. 43-37 W., 1.16 a point; S. 21-09 W., 3.72 a point; S. 38-04 W., 1.51 a point; S. 46-53 W., 6.24 a point; S. 54-18 W., 2.10 a point; S. 76-06 W., 3.57 a point; S. 67-23 W., 3.12 a point; N. 84-17 W., 4.22 a point; S. 73-43 W., 2.69 a point; S. 32-43 W., 3.51 a point; S. 64-00 W., 5.45 a point; S. 15-57 W., 2.86 a point; S. 47-12 W., 3.43 a point; S. 70-10 W., 2.85 a point; N. 89-11 W., .81 a point; S. 59-24 W., 1.58 a point; S. 79-42 W., 7.63 a point; S. 50-51 W., 3.01 a point; S. 65-25 W., 5.45 a point; N. 88-46 W., 1.65 a point; S. 74-37 W., 3.89 Corner 5, a 5 ft. mountain oak in Mull Gap, with old marks, blazed and scribed F.W. A 14" chestnut bears N. 40-30 E. .27 chain distant, blazed and scribed B.T.F.W. Corner 5 of the Calloway and Weaver Tract (92), and in line of the J.M.Bradley Tract (87). Thence with the Calloway and Weaver Tract (92) N. 27-21 W., 37.01, Corner 6, a 14" cucumber at the corner of fence, blazed and scribed F.W. Corner 6 of the Calloway and Weaver Tract (92), and Corner 9, of the Ed Floyd Tract (88a). Thence,

with two lines of the Folyd Tract (88a), N. 73-07 E., 19.39, Corner 7, a chestnut stake scribed F.F. A 20" maple bears S. 62-00 E., .15 chain distant, blazed and scribed B.T.F.F. N. 16-34 W., 9.89 Corner 8, a poplar stake, acribed F.F. Corner 11, of the Folyd Tract (88a), and Corner 9 of the F.F.Floyd Tract (91a). Thence, with 4 lines of the Floyd Tract (91a). S. 39-26 E., 5.71 Corner 9, Set a post acribed F. A A 14" spanish oak bears N. 25-00 W. .30 chain distant, blazed and scribed B.T.F. S. 66-36 E., 14.62 Corner 10, set a post near edge of old field, scribed F. S. 85-04 E., 6.92 Corner 11, set a post scribed F. A corner of Grant 469. A 5" locust bears S. 4-00 W. .20 chain distant, blazed and scribed B.T.F. N. 3-55 E., 8.33 Corner 12, a point in the line of Grant 469. Corner 12 of the Ed Floyd Tract (88). Corner 13 of the F.F.Floyd Tract (91a). Thence, with two lines of the Ed Floyd Tract (88), S. 89-44 E., 75.20, Corner 13, a point near edge of field. Set a post scribed F. A 6" dogwood bears N. 75-00 E., .05 chain distant, blazed and scribed B.T.F. Corner 11, of the Ed Floyd Tract (88). S. 1-47 W. 16.64, the place of BEGINNING, containing 268.70 acres.

F. F. FLOYD TRACT (91)

Lying on the West Bank of Ocona Luffy River, and the North bank of Mingus Creek.

BEGINNING at Corner 1, a stake at the mouth of Stamper Branch, .30 chain north of the road bridge, scribed F.F. Cor. 1, a common corner of the Burt Crisp Tract (93),^{thence with the Crisp Tract (93)} and the meanders of Stamper Branch.

N. 16-55 W., .79 a point; N. 63-58 W., 3.31 a point; N. 26-34 W., 2.53 a point; N. 20-22 W., 1.90 a point; N. 54-36 W., 2.73 a point; N. 35-38 W., 4.66 a point; N. 43-28 W., 1.00 Corner 2, a stake on the bank of the branch, 1.82 chains below Burt Crisp's house, scribed F.F. Corn. II. S. 87-55 E., 7.20 Corner 3, a 14" dead chestnut, scribed F.F.C. III, old marks. N. 0-42 E., 10.95 Corner 4, and 18" white oak stump with old witnesses. A 6" spanish oak bears N. 48-00 E. .14 chain distant, scribed F.F. Cor. IV. S. 87-09 W., 3.54 Corner 5, an 18" pine scribed F.F. Cor. V. Thence, also with the meanders of the ridge N. 17-00 W., 6.59 a point; N. 21-22 W., 2.47 a point; N. 8-17 W., 4.50 a point; N. 13-32 W., 5.07 a point; N. 17-21 W., 1.91, Corner 6, an old chestnut stake, scribed F.F. Cor. VI. Witness a 12" mountain oak, scribed B.T.F.F. Cor. VI. S. 59-06 W., 9-97, Corner 7, a chestnut stake on Northeast bank of Stamper Branch, scribed F.F. Cor. VII. A 12" poplar bears N. 10-00 W. .60 chain distant, scribed, B.T.F.F. Cor. VII. A common corner to the Hattie Hayes Tract (90b), thence with the Hayes Tract (90b), N. 4-18 E., 49.88, Corner 8, a chestnut stake scribed F.F. Cor. VIII, with old witnesses on top of divide, between Couches and Mingus Creeks. A 7" chestnut oak bears N. 32-30 E., .21 chains distant, scribed B.T.F.F. C. VIII. Corner 2, of the Champion Fibre Company Tract^{thence with the Champion Fibre Company Tract (1-g)} (1-g), and the meanders of the ridge, N. 60-41 E., 4.24 a point; N. 81-33 E., 7.78 a point; N. 87-47 E., 5.81 a point; N. 78-28 E., 1.21 Corner 9, a chestnut post on top of a ridge, scribed T.C. Cor. 4, An 18" black oak stump bears N. 73-00 W. .12 chain distant, blazed and scribed B.S.T.C. Cor. 4. Corner 1 of the Champion Fibre Co. Tract (1-g). Corner 5 of the Tom Childers Tract (51). Thence, with the Childers Tract (51), and the meanders of the ridge, S. 72-37 E., 5.32 a point; S. 58-34 E., 6.11 a point; N. 86-01 E., 6.64 Corner 10, a stake scribed F.F. Cor. IX. Corner 6 of the Childers Tract (51), and a common corner to the W.H. Queen Tract (56). Thence, with the Queen Tract (56), S. 19-10 E., 5.88 Corner 11, a 24" dead post oak; S. 13-11 E., 8.25 corner 12, a chestnut post beside a dead pine, with old marks, scribed F.F. X. Thence, also down a spur ridge with its meanders, S. 76-16 E., 6.30 a point; S. 50-16 E., 4.97 a point; S. 53-26 E. 1.88 a point; ~~S. 47-35 E. 4.84 a point;~~ S. 47-35 E., 4.48 a point; S. 41-12 E., 4.06 a point; S. 37-13 E., 2.22 a point; S. 17-31 E., 5.92 a point; S. 43-21 E., 1.18 Corner 13, a locust post in an old maple

stump on bank of stream, scribed F.F. Cor. XI. S. 48-48 E., 3.77 corner 14, a sourwood post scribed F.F. Cor. XII, a 10" sourwood bears N. 60-00 E., 14 chain distant, scribed B.T.F.F. Cor. XII. S. 79-58 E., 20.39, corner 15, a point with an old witness at fence corner. Set a post scribed F.F. Cor. XIII. S. 5-40 W., 2.50 Corner 2 of the C.C. Nations Tract (109), and corner 12, of the W.H. Queen Tract (56). Thence, with the Nations Tract 11.90, Corner 16, a fence post with old witnesses scribed F.F. Cor. X. S. 88-22 E., 12.98 corner 17, a point which is corner 15 of the Queen Tract (56), and Corner 5 of the Nations Tract (109). Thence, again with the Queen Tract (56), S. 87-21 E., 5.00 Ocona Lufty River flows S. 64-00 W., 9.75, Corner 18, a stake near the railroad; S. 70-33 E., 10.04, Corner 19, a black oak stump with witnesses, on top of ridge, which is Corner 17, of the Queen Tract (56), and Corner 1 of the H.N. Connor Tract (63), Thence with the Connor Tract (63), and the meanders of the ridge S. 17-56 E., 1.92 a point; S. 30-43 E., 1.47 a point; S. 41-36 E., 3.55 a point; S. 36-48 E., 3.10 a point; S. 73-55 E., .55 a point; S. 44-04 E., 8.47 Corner 20, a point with chestnut witnesses on/ridge. Set a post scribed P.C. and F. Common Corner to the Dan Parker Tract (65), and the Connor Tract (63); thence with the Parker Tract (65), and the ridge meanders, S. 25-19 W., 4.11 a point; S. 3-06 W., 4.05 a point; S. 16-49 E., 5.89 a point; S. 5-32 E., 5.18 a point; S. 5-19 E., 2.62 Corner 21, a point on East side of ridge. Set a post scribed H.F.P. Common corner to the Parker Tract (65), and the Hattie Hayes Tract (90). Thence, with the Hayes Tract (90), S. 65-46 W., 10.06 Corner 22, a 20" walnut on S.W. Side of road, near R.R. crossing, Corner 1 of the Hattie Hayes Tract (90). Thence, with the road meanders and the Hattie Hayes Tract (90), N. 21-40 W., 1.63 a point; N. 77-07 W., 3.12 a point; N. 86-53 W., 14.47, Corner 23, a point; on the South margin of the road. S. 6-30 W., 12.69, Corner 24, a point in the center of Ocona Lufty River, a common corner to the Hayes Tract (90), and in line of the Ed Floyd Tract (88). Thence, with the Floyd Tract (88), and the meanders of the river, N. 31-06 W., 5.44 a point; N. 1-00 E., 8.36 a point; N. 45-05 E., 5.01 a point; N. 9-18 E., 4.93 a point; N. 25-28 W. 6.18 a point; N. 47-54 W. 5.53 a point; N. 41-55 W., 6.02 Corner 25, a point at the mouth of Mingus Creek. Common Corner with the Floyd Tract (88). Thence, with the meanders of Mingus Creek and still with the Floyd Tract (88): N. 49-18 W., 1.12 a point; N. 79-34 W., 3.93 a point; S. 73-15 W., 2.71 a point; S. 65-06 W., 1.98 a point; S. 58-23 W., 1.96 a point; S. 37-31 W., 1.51 a point; S. 57-25 W., 2.86 a point; S. 75-29 W. 6.59 a point; S. 26-09 W., 1.26 a point; S. 82-38 W., 2.35 a point; N. 64-49 W., 1.90 a point; S. 82-44 W., 1.58 a point; S. 57-25 W., 1.86 a point; N. 76-17 W., 1.47 a point; S. 82-45 W., 1.01 a point; S. 70-28 W., 1.55 a point; S. 59-10 W., 1.91 a point; E. 49-44 W., 4.62 a point; S. 65-27 W., 4.71 a point; S. 81-05 W. 4.19 a point; S. 88-14 W., 3.61 a point; N. 78-55 W., 2.03 a point; S. 84-41 W., 1.45 a point; S. 54-50 W., 4.42 a point; S. 84-02 W., 2.27 a point; S. 58-16 W., 1.67 a point; S. 72-39 W., 1.95 a point; S. 62-15 W., 1.76 a point; S. 67-27 W., 1.96 a point; S. 79-13 W., 1.53 a point; S. 50-00 W., 1.30 a point; S. 45-19 W., 1.90 a point; N. 87-12 W., 2.13 the place of BEGINNING, containing 647.14 acres.

F.F. FLOYD TRACT (91a)

Lyngdon both sides of Mingus Creek, about one and one-half miles from its mouth.

BEGINNING at Corner 1, which is Corner 13, of the Ed Floyd Tract (88), and a corner of the Burt Crisp Tract (93), a large chestnut on the North bank of the road and the South bank of Mingus Creek, the beginning corner of Grant 469. Thence, with two lines of the Burt Crisp Tract (93), N. 62-21 W., 1.65, Corner 2, a locust on the North bank of the Creek, the S.W. Corner of the Tract deeded to Burt Crisp by Jule Hayes and wife; N. 13-33

W., .98, Corner 3, a point at intersection with a line of Grant 469. Set a post scribed H-F. An 8" spanish oak blazed and scribed B.T.-F., bears S. 14-00 W. .12 chain distant. Thence, with lines of Grant 469. N. 86-36 W., 2.18, Corner 4, a point in center of Mingus Creek. A 16" chestnut, blazed and scribed B.T.-H., bears N. 33-00 E., .25 chain distant. A 6" poplar, blazed and scribed B.T.-F., bears N. 77-00 W. .20 chain distant. N. 66-32 W., 15.01, Corner 5, a 6" black oak, 1.50 chains North of road. N. 39-15 W., 17.03, Corner 6, a post scribed H-F. An 8" black oak, blazed and scribed B.T.-H., bears S. 43-00 W., .18 chain distant. S. 5-08 W., 7.03, Corner 7, a point in the center of Mingus Creek, a common corner to the Hattie Hayes Tract (90b), and the Ed Floyd Tract (88a). S. 4-39 W., 16.99, Corner 8, a 20" hickory with very old marks and witnesses, scribed F., a corner common to Grants 469 and 822, A 6" black oak, blazed and scribed B.T.F., bears South .27 chain distant. S. 35-50 E. 8.38, Corner 9, a stake scribed F.F., a corner of Grant 822, and in line of Grant 469. S. 39-26 E., 5.71, Corner 10, a post scribed F. S. 66-36 E., 14.62, Corner 11, a post scribed F., near edge of old field. S. 85-04 E., 6.92, Corner 12, a post scribed F. A 5" locust blazed and scribed B.T.-F., bears S. 4-00 W., .20 Chain distant. N. 3-55 E., 8.33 Corner 13, a point in the line of Grant 469, a corner common to the Ed Floyd Tract (88), and the F.F. and Ed Floyd Tract (89). N. 4-17 E., 12.21 the Place of BEGINNING, containing 70.04 acres.

F.F. AND ED FLOYD TRACT

(Part of No. 79)

Being 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 Grant #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 Grant #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.

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 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, :
: :
BUNCOMBE COUNTY. : :

IN THE SUPERIOR COURT.
SECOND APRIL TERM 1931.

STATE OF NORTH CAROLINA, :
: :
Petitioner, :
: :
-vs- : :

FINAL JUDGMENT AT TERM

F.F.FLOYD,
EDD FLOYD AND WIFE, MARY FLOYD,
HATTIE HAYES AND HUSBAND, J.C.HAYES, et al.,

Respondents.

This cause coming on to be heard at the second Spril Term, 1931, of the Superior Court of Buncombe County upon the appeal of the respondents, F.F.Floyd and Edd Floyd and wife, Mary Floyd, from the final judgment of the Honorable J.B.Cain, Clerk of the Superior Court of Buncombe County, before His Honor, P.A.McElroy, Judge Presiding, and being heard:

IT IS NOW, BY CONSENT OF PETITIONER, THE STATE OF NORTH CAROLINA, AND SAID APPELLANTS AND BY THE COUNSEL OF RECORD OF ALL SAID PARTIES, CONSIDERED, ORDERED AND ADJUDGED that said final judgment of said Clerk be, and the same hereby is, modified and amended in the manner and particulars following, to wit:-

The first paragraph No. 3 of said final judgment, and Sub-paragraph (a) of said Paragraph No. 3 are modified and amended by increasing the appraisment and valuation of the lands and premises mentioned in said Sub-paragraph (a) from the sum of \$37,400.00 to the sum of THIRTY-EIGHT THOUSAND, NINE HUNDRED and 00/100 DOLLARS (\$38,900.00). Sub-paragraph (b) of said Paragraph No. 3 is modified and amended by increasing the appraisment and valuation of the lands and premises mentioned in said Sub-paragraph (b) from the sum of \$31,300.00 to the sum of THIRTY TWO THOUSAND, EIGHT HUNDRED and 00/100 DOLLARS (32,800.00).

The second Paragraph No. 3 of said final judgment and Sub-paragraphs (a) and (b) of said second Paragraph No. 3 are likewise modified and amended so as to conform to said first Paragraph No. 3, as hereinbefore modified and amended.

Likewise, by consent of all the parties hereto, it is further considered, ordered and adjudged that the compensation awarded to said respondents and adjudged to be paid to them by said final judgment of said Clerk, as modified and amended by this judgment, bears interest from the date of this judgment only.

It is further, by consent, considered, ordered and adjudged that the aforesaid final judgment of said Clerk, as hereinbefore modified and amended, be, and the same hereby is, in all respects, approved, ratified and confirmed, and is hereby ipsissimi verbis made the final judgment in this cause.

It is further considered, ordered and adjudged that the aforesaid final judgment of said Clerk and this judgment modifying and amending said judgment and otherwise, in all respects, 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 in the office of the Register of Deeds of Swain County, North Carolina, as provided by law.

This the 25th day of April, 1931.

(SIGNED) P.A.McELROY
Judge Presiding.

BY CONSENT:

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

(SIGNED) ZEBULON WEAVER

(SIGNED) FRANK CARTER
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-

F.F.FLOYD,
EDD FLOYD AND WIFE, MARY FLOYD,
HATTIE HAYES AND HUSBAND, J.C.HAYES, 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 P.A.McElroy, Judge of the Nineteenth Judicial District, the said judgment having been entered at the second April Term 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 29th day of April, 1931.

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

(SEAL)

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 deed and the certificates, be registered.

Witness my hand and official seal, this 30 day of April, 1931.

V.A.Browning
Clerk of Superior Court.

Received for registration on this the 30th day of April, 1931; then was the foregoing Final Judgment registered in Book 59, at page 574.

Frank Hyatt
Register of Deeds