

NORTH CAROLINA, :
BUNCOMBE COUNTY. :

IN THE SUPERIOR COURT

MAY TERM - 1934

STATE OF NORTH CAROLINA, :

Petitioner,

-vs-

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-WOODEBURY LUMBER COMPANY, a Corporation; HEIRS-AT-LAW OF SARAH MINGELINE 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. W. 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, MARLAM QUEEN, 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, AVE 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; G. C. CAMPBELL and wife, U. C. CAMPBELL; J. S. CAMPBELL and wife, M. E. CAMPBELL; J. P. CAMPBELL and wife, E. J. CAMPBELL; T. E. CAMPBELL and wife, L. K. CAMPBELL; and S. E. VARNER, J. ROBERT LONG and P. H. FERGUSON, Trustees for FLOYD CHAPEL, or MINGUS CREEK METHODIST EPISCOPAL CHURCH, SOUTH,

Respondents.

This cause coming on to be heard and being heard before HIS HONOR, MICHAEL SCHENCK, JUDGE PRESIDING, and a Jury, at the May Term, 1934, of the Superior Court of Buncombe County, North Carolina, and the following issues having been submitted to the Jury:

"1. Are the Respondents, S. E. Varner, J. Robert Long and P. H. Ferguson, Trustees, the owners in fee simple of the lands described in their Answer?"

"2. What was the fair and reasonable market value of said lands at the date of the institution of this proceeding?"

And the Jury having answered the first issue "Yes," and the second issue "\$500.00":

IT IS, THEREUPON, CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT that the Respondents, S. E. Varner, J. Robert Long and P. H. Ferguson, Trustees, have and recover of the Petitioner, the State of North Carolina, the sum of \$500.00, together with the costs of this action, to be taxed by the Clerk.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT as follows:

I.

THAT the sum of \$500.00 be paid into the office of the Clerk of the Superior Court of Buncombe County, as the award for the lands, premises and real estate described in the answer heretofore filed in this proceeding by said Respondents, or their predecessors in office, and also hereinafter more particularly described. The said Clerk of the Superior Court of Buncombe County shall thereupon pay said sum to S. E. Varner, J. Robert Long and

P. H. Ferguson, Trustees for Floyd Chapel, or Mingus Creek, Methodist Episcopal Church, South, the payment of said money and the receipt of the records in the Clerk's office by Hon. S. W. Black, Attorney of Record for said Respondents, shall be deemed a sufficient acquittance to the Petitioner, and shall also be deemed a sufficient acquittance to the Clerk of the Superior Court of Buncombe County for the payment of said sum in satisfaction of the award for the said lands, premises and real estate.

II.

That the lands described herein lie wholly within the boundaries of the proposed Great Smoky Mountains National Park, as defined and delineated 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 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, together with the additional lands included in said Park area by Chapter 220, Public Laws of North Carolina, Session of 1929, and thereafter duly approved by Act of Congress.

III.

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 filed in this cause for the purposes in said petition mentioned and enumerated under and by virtue of the statutes aforementioned.

IV.

That it is both lawful and necessary for the Petitioner to condemn the lands described in the original petition for the purposes therein expressed and declared and that the Petitioner is entitled to the relief demanded in said petition.

V.

That upon 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 in the answer of the Respondents hereinbefore referred to 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 as 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.

VI.

That the lands described in the petition and in the answer hereinbefore referred to, title to which, through and by virtue of this judgment, becomes vested in the petitioner, the State of North Carolina, are more fully and particularly described, as follows:

DESCRIPTION OF THE BOUNDARY OF THE
FLOYD CHAPEL? OR MINGUS CREEK METHO-
DIST EPISCOPAL CHURCH, SOUTH, TRACT

Being Exception No. 1 to the F. F. Floyd Tract No. 91 as shown by the survey made by the North Carolina Park Commission.

BEGINNING at

BEGINNING at Corner 1, a stake at an ironwood stump on the West Bank of the Ocona Lufty River. Thence, N. $52^{\circ} 26' W.$, 2.72 chains, Corner 2, a stake; Thence, N. $27^{\circ} 37' E.$, 1.39 chains, Corner 3, a stake; Thence, N. $53^{\circ} 07' W.$, 1.47 chains, Corner 4, a stake; Thence, $0^{\circ} 57' W.$, 2.21 chains, Corner 5, a stake in C. C. Nations' line at the edge of cemetery. Thence, with the C. C. Nations Tract, S. $88^{\circ} 22' E.$, 6.75 chains, Corner 6, a point in the road, which is Corner 15 of the W. H. Queen Tract(56). Thence, with the Queen Tract (56), S. $87^{\circ} 21' E.$, 2.64 chains, Corner 7, a stake on the west bank of Ocona Lufty River. Thence, down the west bank of the river with its meanders, S. $51^{\circ} 26' W.$, 7.91 chains, a point. S. $24^{\circ} 00' W.$, .82 chains, the place of BEGINNING, containing 2.95 acres.

VII.

And that the petitioner shall pay the costs of this proceeding, to be taxed by the Clerk.

This 8th day of May, 1934.

(SIGNED) MICHAEL SCHENCK
Judge Presiding.

NORTH CAROLINA,
BUNCOMBE COUNTY.

IN THE SUPERIOR COURT.

STATE OF NORTH CAROLINA,

Petitioner,

-vs-

F. F. FLOYD and S. E. VARNER,
J. ROBERT LONG and P. H.
FERGUSON, Trustees for FLOYD
CHAPEL, or MINGUS CREEK,
METHODIST EPISCOPAL CHURCH,
SOUTH, 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 his Honor, Michael Schenck, Judge Presiding, at the May Term, 1934, of the Superior Court of Buncombe County, in the above entitled cause, as the same appears on file and record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, this the 9th day of May, 1934.

(SEAL)

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

NORTH CAROLINA,
SWAIN COUNTY.

The foregoing certificate of J. B. Cain, C. S. C. of Buncombe County, is adjudged to be correct. Therefore let the instrument, together with these certificates, be registered.

This May 17, 1934.

V. A. Browning
Clerk Superior Court.

Filed for Registration at 2:18 o'clock P.M. May 17, 1934 and registered in the office of the Register of Deeds for Swain County, North Carolina, in Book 61, page 90, May 19, 1934.

Frank Hyatt
Register of Deeds.