

## NORTH CAROLINA PARK COMMISSION

ASHEVILLE, N. C.

January 30, 1930

REPORT ON THE J. M. AYERS TRACT - NO. 21, 183.44 ACRES.

LOCATION: This tract is located on the Ocona Lufty River, about three fourths of a mile north of Smokemont, and adjoins the lands of the Champion Fibre Company and other small property owners.

DESCRIPTION: It is a mountain farm, with not very much cultivated land on it, occupied by the owner. The principal business connected with this property is milling, as the party has both a sawmill and a grist mill, together with a small wood working plant. However, in taking an option on this property the present owner has the right to remove all the machinery and fixtures.

IMPROVEMENTS: The improvements are two frame houses, two box houses, two barns, mill building, 300 or more bearing fruit trees, several out buildings, and considerable fencing. All of the buildings are in good repair with the exception of the two box houses. The wood land has been completely cut over and there is not much left on it, although it is free from fire and there is considerable small growth that will eventually reforest the land.

<u>VALUATION:</u>	Six-room frame house	\$1,000.00
	Eight-room frame house	1,200.00
	Two box houses	150.00
	Two barns	400.00
	Mill building (machinery out)	500.00
	Two Acres flat land	100.00
	15 acres Pasture land	300.00
	15 acres cultivated land	450.00
	151 acres woodland	1,510.00
	300 fruit trees	600.00
	Outbuildings and fencing	390.00
	Total	\$6,600.00

An option has been taken on this property for \$6,600.00

NORTH CAROLINA PARK COMMISSION  
ASHEVILLE, NORTH CAROLINA.

We beg to advise that we visited the premises of  
J. M. Ayers on October 25, 1929, and find as follows:

75 acres of timber land	\$1125.00
30 acres of cleared or pasture land	300.00
73 acres of cut over land	584.00
1 house with 2 rooms	75.00
150 bearing apple trees	750.00 ✓
150 young apple trees	300.00
1 barn 100	100.00
1 saw mill	500.00 ✓✓
1 plunder house	50.00
1 6-room house	1000.00 ✓
1 hen house	10.00
woven wire fence around his garden,	10.00
barbed wire fence around his pasture	50.00
1 6-room house, spring house and running water	1800.00 ✓
grape vines and garden fenced	50.00
1 6-stall barn with up-stairs	600.00 ✓
1 chicken house	5.00
1 machine shop and corn mill	2000.00 ✓✓
1 pig pen	5.00

Total ✓ \$9314.00

5000.

W. S. Patterson  
W. M. Martin

Can be bought for \$  
35<sup>00</sup> per acre \$6600<sup>00</sup>  
1/29/30

# 21: 183.44 1

From  
Farm

62. 1 H.	1000.
82. From Farm	1200.
2000. 150	
2000. 400	
2000. 500	
2000. 100.	
2000. 200	
2000. 450	
2000. 150.	
2000. 600	
2000. 390	
2000. 6600	

P. O. Box 1232  
Asheville, N. C.

February 3, 1930

Mr. W. W. Wiggins,  
Bryson City, N. C.

Dear Mr. Wiggins:

Mr. Rhoades agrees that we may trade with J. M. Ayers on his 1/7 interest in the tract owned by his wife, in order that several tracts around Smokemont may be cleared up so that we can purchase them; therefore, if you can get Mr. Ayers to accept \$150.00 for a deed for this interest, have him sign it and place the deed in the bank until we can get check to cover. In doing this it would probably be wise to tell Mr. Ayers that we want this interest so that we can settle for the several tracts in question and also have him sign the collateral contract with us in which both of us agree to the conditions in the present option and that the payment for the 1/7 interest is included in the deed.

Mr. Rhoades also agreed that if you and Mr. Calhoun can trade for 5/8 interest in the Connor tract it would be wise to do so and if you have any time it will be appreciated if you will see what can be done.

Mr. Bramlett is going to be in Bryson City tomorrow and perhaps he can assist you in these matters and in case Mr. Calhoun is not needed do not take him as we want to save what expense we can although we do not mind the expense if we can make the trade.

Yours truly,

NORTH CAROLINA PARK COMMISSION

By W. H. Woodbury,  
Purchasing Agent.

WW:H

## STATE OF NORTH CAROLINA

SWAIN

COUNTY. }

THIS DEED, Made this 10th day of July A.D. 1920, by and between  
 of SWAIN County, North Carolina, hereinafter called GRANTORS, whether one or more, and  
 THE STATE OF NORTH CAROLINA, hereinafter called GRANTEE:

## WITNESSETH:

That the said grantors for certain good and valuable considerations moving them thereto, and particularly the sum of SIX THOUSAND SIX HUNDRED ----- (\$6,600.00) Dollars, to them paid by the Grantee the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do hereby bargain, sell and convey unto the said grantee, its successors and assigns, the following described lands in **Ocona Lufty Township** Swain County, State of North Carolina, particularly described as follows, viz.:

T R A C T N O. 21:NOTE:

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

Lying on both sides of the West Fork of Ocona Lufty River,

BEGINNING at corner 1, which is corner 3 of the James Bradley Tract (22), a 12" chestnut with old marks and witnesses, in a line of Grant 133; thence South 67-07 East, with a line of the James Bradley Tract (22) 13.47 chains, corner 2, a pine stump with witnesses in the gap of a ridge, a 40" chestnut blazed and scribed B.T.G-133 Cor. 3, bears South 15-00 East; thence with meanders of the ridge South 8-44 East 1.73 chains; South 0-05 West 3.84 chains; South 26-15 East 1.39 chains; South 20-18 East 2.50 chains; South 27-22 East 1.49 chains; South 19-34 East 2.16 chains; South 8-01 East 2/41 chains; South 21-01 East 1.92 chains corner 3, a chestnut stake on ridge top, a 20" white oak blazed and scribed B.T., bears North 42-00 East; thence North 80-39 West 4.46 chains, corner 4, a planted stone, shown as the corner of John C. Reagan; thence South 4-10 West 4.71 chains, corner 5, a point in public road, shown as corner by John C. Reagan; thence with the meanders of road North 44-30 West 3.51 chains; North 50-50 West 3.57 chains; North 72-28 West 2.14 chains, corner 6, which is corner 15 of the Champion Fibre Co. Tract (1c) a point beside road leading to Ayers Mill; thence with five lines of the Champion Fibre Co. Tract (1c) South 32-50 West 1.57 chains, corner 7, a planted stone at old bridge abutment, an 18" sycamore, blazed and scribed B.T.-A1, Cor. 8, bears North 81-00 West .20 chain distant; North 71-39 West 13.49 chains, corner 8, a point on North bank of the river South 24-47 West .73 chains, logging railroad bearing east 1.57 chains, corner 9, a point in old river bed South 54-42 East 7.43 chains, corner 10, a 40" mountain oak with old marks, blazed and scribed A2, Cor. 3 South 20-55 West .74 chains, corner 11 which is corner 10 of the Champion Fibre Co. Tract, a point on East bank of a small stream; thence up the stream with its meanders a line of the J. M. Kimsey Tract (33) South 35-13 West 1.60 chains; South 51-07 West 2.04 chains; South 40-41 West 1.53 chains; South 31-58 West 1.40 chains; South 10-15 West 1.04 chains, corner 12, a stake in the branch; South 60-27 East 6.40 chains, corner 13, a walnut post scribed A. 2, Cor. V a 10" hemlock blazed and scribed B.T.-A2, Cor. V, bears South 67-00 West .25 chain distant; thence with two lines of the Champion Fibre Co. Tract (1c) South 39-35 West 7.24 chains, corner 14 a planted stone with witnesses South 40-32 West 14.47 chains, corner 15 which is corner 2 of the Champion Fibre Co. Tract (1c) a point in logging road, with witnesses; thence South 38-48 West 15.13 chains, corner 16 a chestnut stake, a 15" buckeye scribed B.T.-A2, Cor. VII bears North 65-30 East .24 chain distant; thence North 86-29 West 12.06 chains, corner 17, a locust stake beside a hickory with old marks, a 14" oak, scribed B.T.-A2, Cor. VIII, bears North 45-00 West .10 chain distant; thence North 39-49 West 30.47 chains, pass corner 31 of the Champion Fibre Company Tract (1) 36.95 chains, corner 18, which is

corner 30 of the Champion Fibre Co. Tract (1), a 20" chestnut with old marks, scribed A2, Cor. 9; thence North 12-35 East 1.62 chains, corner 19, which is corner 9 of the J.R. Kimsey Tract 20, a 20" white oak with old marks, scribed K-Cor 8, near top of Cat Pen Ridge; thence down a ridge, with its meanders a line of the J. R. Kimsey Tract (20) North 88-53 East 1.58 chains; North 78-14 East 7.64 chains; North 67-09 East 1.60 chains; North 56-26 East 1.79 chains; North 75-10 East 2.35 chains; North 60-28 East 2.98 chains; North 53-06 East 3.38 chains; North 88-59 East 2.97 chains; North 78-12 East 3.34 chains; North 15-38 East 1.00 chains; North 84-11 East 4.45 chains; North 83-34 East 2.13 chains; North 67-59 East 2.44 chains; South 72-48 East 2.57 chains; North 78-05 East 1.30 chains; South 85-43 East 2.77 chains; North 81-31 East 2.61 chains; South 81-00 East 1.00 chains; North 76-22 East 1.70 chains; South 69-52 East 1.45 chains, corner 20, a 20" spanish oak, scribed K-Cor. 7; thence with seven lines of the J. R. Kimsey Tract (20) North 29-46 East 5.23 chains, corner 21, a point in center of river South 65-44 East 1.84 chains, corner 22, a poplar stump South 84-32 East 2.58 chains, corner 23, a stake on north bank of mill race North 37-03 East 4.33 chains, corner 24, a stake at corner of fence, on south bank of road South 8-15 East 1.78 chains, corner 25, a 14" white oak on north bank of road, scribed K-Cor. 3; North 16-48 East 6.77 chains, corner 26, a stake at corner of fence; North 1-46 East 7.35 chains, the place of BEGINNING containing 183.44 acres.

# Warranty Deed

J. M. Ayers and wife

TO

THE STATE OF NORTH CAROLINA

Consideration - - - \$6,600.00

Dated 10th day of July, 1920.

Filed for registration on the 11  
day of July, 1920, at 10:27  
o'clock A.M., and registered in the office  
of the Register of Deeds for

Lewis

County, North Carolina, on the 12  
day of July, 1920, in Book  
No. 58 of Deeds, at page 527

Ellis Burnell  
Register of Deeds.

Clerk Superior Court

STATE OF NORTH CAROLINA, *Wilson*, COUNTY.  
The foregoing certificate of *Willard W. Muggins* to  
of *Wilson* County, adjudged to be correct. Let the instrument and the certificate  
be registered.

W. L. Muggins  
11 day of July 1920  
A.D. 1920

FEES.

THIS DEED, Made this 13th day of February

A.D. 19~~2~~30, by and between

E. J. Ayers and husband J. M. Ayers

of Swain County, North Carolina, hereinafter called GRANTORS, whether one or more, and  
THE STATE OF NORTH CAROLINA, hereinafter called GRANTEE:

WITNESSETH:

That the said grantors for certain good and valuable considerations moving them thereto, and particularly the sum of TWO HUNDRED ----- no/100 (\$ 200.00 ) Dollars, to them paid by the Grantee the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do hereby bargain, sell and convey unto the said grantee, its successors and assigns, the following described lands in Ocona Lufty Township Swain County, State of North Carolina, particularly described as follows, viz.:

It being one-seventh undivided interest in the following described tract of land being the same interest deeded by Baker Ayers Jr. to E. J. Ayers by deed made July 13, 1928 and recorded in Book 56, page 19 record of deeds of Swain County, North Carolina and more particularly described as follows:

First Tract: BEGINNING on a holly bush in the Cathcart line and runs South 59 West 48 poles to a stake and pointers; then South 46 East 69 poles to a sycamore; then North 49 East 119 poles to a sycamore; then South 70 East 35 poles to a stake; then South 2 poles and 15 links to a sycamore; then North 80 East 12 poles to a chestnut on the bank of the river; then North 80 East 1 pole to a flint rock in the river; then North 5 West 25 poles to a rock in the river; then North 79 West 11 poles to a stake; then North 33 West 8 2/3 poles to a stake in a small branch near the edge of the bottom; then up the branch with the center of the branch to the BEGINNING, containing 47 acres more or less.

Second Tract: BEGINNING on the North corner of L. A. W. Maney lands on a rock in the river; then West with T. J. Huskey line and Andy Huskey line; then South with Andy Huskey line to a small branch to a stake; then down said branch as it meanders to a stake in branch at the point of ridge; then South 33 East 8 2/3 poles to a stake; then South 79 East to a rock in river just above foot log; then up the river to the BEGINNING, containing four acres more or less.

The above described lands belong to Baker Ayers Sr. my father and I am transferring my undivided interest in said land the same being one-seventh interest.

# GUTHRIE-BRADLEY & JONES

INCORPORATED

WHOLESALE AND RETAIL



OUTFITTERS OF THE HOME AND FARM

PHONE NO. 20

SWEETWATER, TENN.,

November 6, 1931.

Mr. Rhodes,  
Smoky Mountain Park Commission,  
Ashville, North Carolina.

Dear Sir:

Mr. J. M. Ayers, who formerly lived near Smokemont, claims that your Commission is yet due him \$400.00 balance on lands which you purchased.

We asked permission of him to write you about this and he readily gave it. We would like to have you verify his statement, and tell us as near as possible please, when this money will be paid to him.

Also advise whether or not you would accept an order from him to you to pay this money to us. We enclose stamped envelope for reply. Thanking you in advance, we are,

Yours truly,

GUTHRIE, BRADLEY & JONES,

BY

*T.B. Guthrie*

A \$400<sup>00</sup> held over here by  
G. L. Bradley it can thru S. L. Beck, subsequently it had  
been Credited S. L. Beck in his ledger to him & son  
It is a 25 A. but what we contend  
and are around of 130<sup>00</sup> for some. C. T. C.

307 City Building  
P. O. Box 1232  
Asheville, N. C.

November 13, 1931

Guthrie, Bradley & Jones,  
Sweetwater, Tenn.

Gentlemen:

Your letter of the 6th has been withheld for some days in order that we might have our attorney fully advise us as to how the matter stood in regard to the deal with Mr. J. M. Ayers.

It seems that when he was settled with that the sum of \$440 was withheld in order that the State might be protected as to other claimants to his title, and Mr. Ayers was advised as to the discrepancies, and we were under the impression that it was his duty to clear these matters up. However, will explain that the conveyance that Mr. Ayers holds for a portion of this property was made to him through the heirs of S. L. Beck, but it appears that prior to his deed from these heirs that the land was conveyed by S. L. Beck during his lifetime to a party by the name of Morris, and from Morris to the Champion Fibre Company, and it appears to us that this property is the property of the Champion Fibre Company.

Again he had a 25-acre tract within the boundary, of which he did not hold a full interest, for there was 2/7 interest outstanding. This 2/7 interest was condemned and an award of \$130 was made against it, which will have to be paid by Mr. Ayers.

Summing it all up, if these conclusions are correct, we do not owe Mr. Ayers much, if anything, as he would have to pay the \$130 and he would have to allow for the value of 44 acres of land which he sold us and which belongs to the Champion Fibre Company. As a matter of fact, the 44 acres of land was appraised at \$10 per acre in the trade with Mr. Ayers.

We trust that we have made this matter clear, and shall be glad to handle it with an open mind with Mr. Ayers or any of his representatives.

Yours truly,

Sweetwater

Jan 13, 1932

R 4

Tenn

Hon. Gibulian Kramer

dear Sir I gave an action to the park commissioners  
on my land on Little River Swain Co. N.C. for \$6600<sup>00</sup>  
and they paid me \$6,200<sup>00</sup> but took \$400<sup>00</sup> till  
a line was settled and held back some of D. F. Coopers  
for the same cause and they have paid him  
you gave me a writing statement I would be paid  
the remaining \$400<sup>00</sup> with W. M. Wiggin's Patress to  
the same, I wrote Mr. W. M. Woodbury about it and  
he wrote he would take the matter up with you  
that was some time back and I have never had  
any more from him therefore I am writing you  
I want you to do something about it as I need my  
\$400<sup>00</sup>, you also told me you was going to  
put a bill in Congress to pay the citizens that  
sold to Park and did not Law a Bonus to  
compensate them for moving & have you  
ever put the Bill in hope you will give  
this your earliest attention

Let me hear from you

Yours truly  
J. M. Ayers

ZEBULON WEAVER  
10TH DISTRICT  
NORTH CAROLINA

Congress of the United States  
House of Representatives  
Washington, D. C.

January 25, 1932.

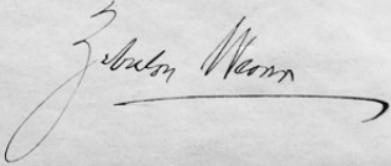
Mr. W.H. Woodbury,  
N. C. Park Commission,  
Asheville, N. C.

Dear Woodbury:

I am inclosing you a letter from Mr. J. M. Ayers. A copy of my letter to him is also inclosed. You had probably better take it up with him and try to ease his pain or satisfy him in some way.

Sincerely yours,

ZW-ss



January 25, 1932.

Mr. J. M. Ayers,  
Route #4,  
Sweetwater, Tenn.

Dear Sir:

I have your letter relative to the sale of your property to the Park. I am not at present attorney for the park and have been away from its affairs for some time, but I recall this transaction.

My recollection is that Four Hundred Dollars was withheld on account of about forty-four acres of land, the title to which appeared to be in the Champion Fibre Co. I recall that you and Mr. Damtoff undertook to settle this between you, but so far as I know it was never done.

The title which you held came through the heirs of S. L. Beck, and the deeds conveyed the title to property of which he died seized, but the record shows that he had conveyed the forty-four acres before his death, and of course with that deed on record the title did not pass to you. I had hoped that you had worked this out, so as to at least divide this with the Champion Fibre Company. Since then, however, the Park Commission has taken the Champion Fibre lands over and I take it the Park Commission will take the matter up with you. I am sending your letter to them so that they can write you.

In regard to the D. F. Connor matter I will say that Connor got his payment because of the fact that the Champion Fibre Company claimed title to a certain tract under a grant that was junior to the grant under which Connor claimed. In fact Connor owned the title under older grant, and of course this entitled him to the land. I have been informed that Connor and the Champion Fibre Company settled the matter. This was due, however, to the fact that the Connor title was superior to the Champion.

I hope very much that you are well located and wish you every happiness and success. I am now in Congress and having my hands full here.

Sincerely yours,

N.C. 7591

2-17-86

(8)  
575  
69 A.

Theresa Prayor

1-8-93

(18)  
67  
25 A.

S. L. Beck

Mark Gaffes Et Al  
Husband S. L. Beck

10-20-17  
25 A.

(21)  
537

J. M. Ayers & wife

E. J.  
(38)  
H.S.G.  
75 A.

1-10-13

Lloyd T. Jenkins

(42)  
224  
25 A.

4-21-23

Charlotte Jenkins

8-21-23

L. D. Sutton as his wife  
at Valenzuela  
Helen Sutton

1-13-20  
25 A.

H. M. Sutton

(17)  
429

1-12-19  
(49)  
540  
1/2 inch  
25 A.

1-12-19  
(47)  
243  
7/8 af  
25 A.

1-12-19  
(55)  
313  
9.5 A.

N.C. 13635

7-22-98

(14)  
369  
207 A.

John Kinney

1-22-19

(47)  
438  
22 acres

N.C. 7845

11-17-86

(8)  
520  
259 A.

S. L. Beck

Helen A. S. L. Beck

H. B. Beck

C. P. Beck - widow

W. F. Conner & his 1/2

H. Sutton & his wife

Dad living

Valerie & Belle, Monroe

W. S. Beck

B. B. Loftis & his wife

H. C. Beck

Elmira J. Ayers & his wife

A. S. Beck (Leroy?)

Mrs. S. M. Jenkins

Dad living

Floyd T.

H. C. Beck & wife  
N. L. Beck

12-23-09

(35)  
147  
1/2 lot on

South Ridge

1/2 lot on

25 acres

97571

H. B. Beck &  
Lena Beck

10-6-23

(47)  
537  
125 A

(55)  
314

L. J. Conner & wife

10-6-23

125 A

Ayers

Analysis of Title  
J. M. Ayers---Tract No. 21.

This tract is composed of parts of the following grants:

No. 7845 to S. L. Beck  
 347 to Benjamine A. Hyde  
 7591 to Thomas Reagan  
 13633 to J. R. Kimsey

Grant 7845 is lapped upon on its Southwestern side by Grant 10023. The latter grant, however is junior, title under which was conveyed to the Champion Fibre Company. However, this lappage is not claimed by the latter Company and is conceded to be the property of J. M. Ayers and wife, Elmira J. Ayers.

GRANT NO. 7845

1. Grant 7845 was issued to S. L. Beck on November 17, 1886.

It conveys a tract of 259 acres and the southern portion of this grant lying South of what is called Cat Pen Ridge is included in Tract No. 21. The portion north of Cat Pen Ridge was conveyed to J. R. Kimsey by S. L. Beck, being shown as Tract No. 20 in the survey made by the North Carolina Park Commission. This grant is registered in Swain County. Page 679 of this Abstract.

2. S. L. Beck and wife by deed dated February 14, 1888, conveyed to W. P. Hyde a tract of 150 acres, which includes the portion of Grant 7845 lying South of Cat Pen Ridge and covering Tract No. 21. This deed is signed by C. P. Beck, who was the wife of S. L. Beck, but whose name does not appear in the preamble of the deed. However, we do not think this important at this time. This deed is registered in Swain County. Page 680 of this Abstract.

3. W. P. Hyde and wife, S. E. Hyde, by deed dated July 4, 1889, conveyed the same tract of 150 acres to W. H. Queen. This deed is recorded in Swain County. Page 681 of this Abstract.

4. W. H. Queen and wife, S. A. Queen, by deed dated October 29, 1891, conveyed back to S. L. Beck the same 150 acre tract described as being a part of Entry No. 1163 and Grant 7845. This deed is recorded in Swain County. Page 682 of this Abstract.

5. S. L. Beck died leaving a widow, C. P. Beck, and the following children, to wit:

H. B. Beck, M. V. Connor (husband L. J. Connor), H. A. Sutton (husband L. V. Sutton), M. L. Beck, B. B. Loftis (husband M. A. Loftis), H. C. Beck, Elmira J. Ayers (husband J. M. Ayers), A. L. (Lenore) Beck and Mrs. T. M. Jenkins.

6. Mrs. T. M. Jenkins died leaving her husband living and one child - Flora T. Jenkins.
7. Mrs. H. A. Sutton died leaving two children - Valeria and Nellie P. Sutton.
8. We then have the following conveyances from these heirs at law affecting the portion of Tract 21 covered by Grant 7845:
- (a) H. B. Beck and Lenore Beck, conveyed to J. M. Ayers by deed dated October 6, 1923 all of their interest in a tract of 125 acres. This deed covers the portion of 7845 lying South of Cat Pen Ridge. It is recorded in Swain County. Page 683 of this Abstract. This deed conveyed the one-ninth interest of H. B. Beck and Lenore Beck, who were children of S. L. Beck.
- (b) H. C. Beck and wife, N. L. Beck by deed dated December 23, 1909 conveyed to J. M. Ayers a one-ninth interest in two tracts of land - the first tract being for 259 acres and being the lands covered by Grant 7845, excepting, however, the portion that had been conveyed to John Kimsey. The second tract in the deed calls for a tract of twenty-five acres, which is described by metes and bounds. This tract begins on a black oak 32 poles from the river in the line of John C. Reagan and is the same twenty-five acre tract in deeds hereinafter set out. This deed is recorded in Swain County. Page 684 of this Abstract.
- (c) L. J. Connor and wife, Victoria Connor, by deed dated Oct. 6, 1923, conveyed to J. M. Ayers the same tract of 125 acres described in the foregoing deed from H. B. Beck and Lenore Beck to said Ayers. This deed conveys the one-ninth interest of said Victoria Connor, who was an heir at law of S. L. Beck. This deed is recorded in Swain County. Page 686 of this Abstract.
- (d) Bessie B. Loftis and husband, M. A. Loftis, and Minnie Beck, by deed dated November 20, 1929, conveyed to James Ayers all of their interest in that part of Grant 7845 lying South of the Cat Pen Ridge, and being all of said Grant of which the said S. L. Beck died seized. This deed conveys the one-ninth interest of Bessie B. Loftis and Minnie Beck, single, who were heirs at law of S. L. Beck. This deed is recorded in Swain County. Page 687 of this Abstract.
- (e) Floyd T. Jenkins and wife, Claudie Jenkins, by deed dated October 17, 1929, conveyed to James Ayers all of their interest in the same lands described as being that portion of Grant 7845 lying South of the Cat Pen Ridge being all of said Grant of which S. L. Beck died seized. Floyd T. Jenkins was the grand son of S. L. Beck, his mother, Mrs. T. M. Jenkins, having died leaving him as her only child. However, her husband, apparently was living and would have become vested with a life estate in this property. This deed is recorded in Swain Co. Page 688 of this Abstract.

(f) Elmira J. Ayers, who was the wife of J. M. Ayers, is still living and acquired by descent a one-ninth interest in said lands, which she now owns.

## GRANT NO. 347

9. Grant No. 347 was issued to Benjamin A. Hyde on January 12, 1841. It conveys a tract of twenty-five acres, which became known as the "Morrison Flats". This grant recites that it was taken out for the benefit of John Hyde. It is recorded in Haywood County. See page 689 of this Abstract.
10. No conveyances is found for the lands covered by this grant from Benjamin Hyde.
11. We then find a conveyance from John Hyde to James Reagan dated December 27, 1855. This deed conveys the same lands which it lies was included in Haywood County. Later Jackson County was established and for a period these lands lay in Jackson County. This area now lies in Swain County. This deed is recorded in Jackson County in Book 1, page 441. See page 690 of this Abstract.
12. Apparently James Reagan or James H. Reagan died seized of this tract of land leaving the following children as his heirs at law:
- Sarah Roberts (husband Dan Roberts), Mary Jane Bradley (husband, General Bradley), Thomas Reagan, J. Chastain Reagan, Mark Reagan, Bige Reagan, John C. Reagan and Isaac Reagan.
13. Sarah Roberts died leaving one child - John Roberts. See heirs set out in affidavit. Abstract page \_\_\_\_\_ of tract No. \_\_\_\_\_.
14. No conveyance from any of these heirs are found of record except the following deed:
15. John C. Reagan by deed dated April 2, 18 \_\_\_\_\_ conveyed to Thomas Reagan the lands covered by Grant 347 known as the "Morrison Flats". This deed is acknowledged August 3, 1893. The deed also contains the following statement "I, John C. Reagan, hereby sell to Thomas Reagan all of my right and interest in the above stated land, it containing seven-eighths interest as bought from James H. Reagan, deceased and sold to Thomas Reagan for the sum of \$50.00." Both the grantor and grantee in this deed were sons of James H. Reagan, who acquired title to the Morrison Flats by deed from John Hyde above set out. Apparently from the recitals contained in the deed, John C. Reagan had purchased the interests of his brothers and sisters, which together with his own vested him with a seven-eighths interest, and probably Thomas Reagan also owned a one-eighth interest as an heir at law. However, we do not find any conveyance of record covering these transactions, but the tract has been in continuous, adverse possession for many years by J. M. Ayers and those under whom he claims, and the Ayers title has not been questioned. This deed is recorded in Swain County. Page 691 of this Abstract.

16. We then have a conveyance from Thomas Reagan and wife to S. L. Beck, dated January 3, 1893, which conveys the twenty-five acre tract beginning on a black oak 32 poles from the river in the line of the John Reagan land. This tract includes a part of 347 and also a portion of Grant 7591 hereinafter referred to. It is recorded in Swain County. Page 692 of this Abstract.

17. We also have a further deed from Thomas Reagan to S. L. Beck, dated September 1, 1892, which calls for thirty acres more or less. To thoroughly locate this tract, it would have to be surveyed upon the ground, but it is possible it may include this portion of Tract No. 21. It is also partly included in Tract No. 20, the J. R. Kinsey Tract. This deed is recorded in Swain County. Page 693 of this Abstract.

#### GRANT NO. 7591

18. Grant 7591 was issued to Thomas Reagan on February 17, 1886. The portions of this land covered by Tract No. 21 were conveyed to S. L. Beck by the deeds set out in the Abstract from Thomas Reagan to S. L. Beck and referred to above in paragraphs 16 and 17. This grant is recorded in Swain County, and is set out in the "abstract, page \_\_\_\_.

#### GRANTS 7591 and 347.

19. S. L. Beck died seized of the portion of Tract No. 21 acquired as above set out, leaving a widow, C. P. Beck and eight children as his heirs at law and they are hereinabove set out in paragraph 5 of this analysis.

20. We then have the following conveyances from the heirs at law of S. L. Beck for this twenty-five acre tract, to wit:

(a) J. M. Ayers and wife, Elmira J. Ayers to L. V. Sutton deed dated January 15, 1913 for one-ninth interest in the same twenty-five acre tract, beginning on a black oak 32 poles from the river in the line of John Reagan's land. This deed conveyed the one-ninth interest of Elmira J. Ayers in said tract. This deed is recorded in Swain County. Page 694 of this Abstract.

(b) Mark Loftis and wife, Bessie B. Loftis, Minnie L. Beck, L. J. Connor and wife, Victoria Connor, H. B. Beck, Lenore Beck and C. P. Beck, widow of S. L. Beck to L. V. Sutton, deed dated October 20, 1917. This deed conveys five-ninths interest in the same twenty-five acre tract. It is recorded in Swain County, page 696 of this Abstract.

(c) L. V. Sutton and wife, Florence Sutton, deed dated Sept. 23, 1920, to J. M. Ayers. This deed conveys seven-ninths undivided interest in the same twenty-five acre tract. Florence Sutton who signs this deed was the second wife of L. V. Sutton, his former wife, H. A. Sutton, having died leaving two children - Valeria and Nellie P. Sutton.

The effect of this deed is to convey the interest which L. V. Sutton had acquired under the two deeds above set out. His wife, H. A. Sutton, having died also left him vested with a life estate in a one-ninth interest. The deeds above mentioned would have vested him with six-ninths interests and we take it that he included his interest as tenant by the courtesy as a further interest in order to make the seventyninths interest which the deed recites to be conveyed. However, the two children of H. A. Sutton were vested with a one-ninth interest subject to the life estate of their father, L. V. Sutton. This deed is recorded in Swain County, Page 695 of this Abstract.

(d) H. C. Beck and wife, L. N. Beck, by deed dated December 23, 1909, to J. M. Ayers. This deed conveys two tracts, the second tract being the twenty-five acre tract described in the above deeds. This deed is referred to in the Analysis of Title, see paragraph 8 subsection (b).

(e) We also find a further deed from L. V. Sutton and wife, Florence Sutton to J. M. Ayers, dated January 13, 1920 conveying a seven-ninths undivided interest in the same tract of land. Apparently this deed covers exactly the same tract as the above, set out by a description beginning at a different point but really conveying the same calls. This deed is recorded in Swain Co. Page 697 of this Abstract.

(f) A Special Proceeding was filed in the Superior Court of Swain County on January 9, 1919 for the purpose of selling the interest of Valeria Sutton and Nellie Sutton, who were the children of H. A. Sutton, first wife of L. V. Sutton. In this proceeding they are referred to at that time as being seven and three years of age. This proceeding is apparently regular. It is recorded in Special Proceeding Book 3, page 110, and authorizes L. V. Sutton the father of these children, who had been appointed Guardian, to sell the lands described in the petition which covers the twenty-five acre tract, beginning on a black oak 32 poles from the river in line of John C. Reagan. This proceeding is set out in the Abstract. Page 698.

(g) L. V. Sutton, Guardian of Valeria Beatrice Sutton and Nellie Palestine Sutton to J. M. Ayers, deed dated January 12, 1919. This deed is made pursuant to the proceeding hereinbefore referred to and conveys the same twenty-five acre tract. It is recorded in Swain County. Page 700 of this Abstract.

(h) Floyd T. Jenkins to Charlotte E. Jenkins deed dated April 21, 1923. This deed conveys the same twenty-five acre tract. Floyd T. Jenkins was a grand-son of S. L. Beck who died seized of the tract and inherited through his mother, the first wife of T. M. Jenkins. The grantee in this deed, Charlotte E. Jenkins, was the second wife of T. M. Jenkins and the step mother of Floyd T. Jenkins. This deed is recorded in Swain County, page 701.

(i) Charlotte E. Jenkins to J. M. Ayers deed dated August 21, 1923. This deed describes the same twenty-five acre tract referred to in the above deeds.

The deed, however, is not signed by T. M. Jenkins, who was living at the time of its execution. A quit claim should be secured both from T. M. Jenkins and said Charlotte Jenkins. This deed is recorded in Swain County. Page 702 of this Abstract.

21. Mrs. Elmira Ayers, wife of J. M. Ayers, also had a one-ninth interest in this tract, which she now owns.

GRANT NO. 13633

22. Grant 13633 was issued to J. R. Kimsey on August 22, 1898. It laps upon the northeast corner of Grant 347, and adjoins Grant 133 on the North. A portion of the lands embraced in this tract are embraced in Tract 21. This grant is registered in Swain County. Page 703 of this Abstract.

23. We then have a deed from John Kimsey to J. M. Ayers dated January 22, 1919. This deed conveys a tract of twenty-two acres covering the southeastern portion of Grant 13633. It is recorded in Swain County. Page 704 of this Abstract.

H. K. BECK 25 ACRE TRACT

The above deeds cover all of Tract No. 21 except this twenty-five acre tract, which is apparently composed of a small portion of Grant 347 and a portion of Grant 7845, which is affected by the following conveyances:

24. S. L. Beck and wife executed a deed to Thomas Reagan dated May 31, 1897, which conveys a tract of twenty acres beginning on a poplar, the west corner of the Morrison Flats lands. This deed apparently includes a portion of Grants 7845 and 347. It also covers a part of Tract No. 23, the J. M. Kimsey Tract. This deed is also discussed in the Abstract of that number. It is registered in Swain County and is set out on page 994 of the Abstract of title to said Tract No. 23.

25. Thomas Reagan and wife, by deed dated January 23, 1893, conveyed to L.A.W. Maney a tract of one hundred acres, which includes within its boundaries the twenty acre tract above described. This deed does not otherwise affect tract No. 21. It is registered in Swain County. See page 996 of the Abstract of Tract No. 23.

26. L.A.W. Maney and wife executed a deed to H. Kimsey Beck and J. C. Ayers but this deed has not been found of record. It is supposed to cover the twenty-five acre tract above referred to and described in the deed hereinafter set out from H. K. Beck to James M. Ayers. J. M. Ayers, the present owner, states

that this deed was executed and that he claims under it and had been in possession since its execution.

27. The next conveyance is a deed from H. K. Beck and wife, Agnes Beck, to James Ayers dated February 1, 1902, registered June 2, 1907, which conveys a tract of twenty-five acres beginning on a poplar, the west corner of Morris Bradley's land. The description in this deed is by reference largely, to natural objects and the deed cannot be readily located on the map, but Mr. Ayers has pointed out the corners of this tract and it includes the twenty-five acres claimed by him. We think it could be readily located by a survey from the natural objects referred to. This deed is recorded in Swain County. Page 705 of this Abstract.

28. If the deed from L.A.W. Maney could be found, we think it would establish a record title in the present claimant. That such deed was executed is evidenced by the following conveyances:

29. We find a deed from L.A.W. Maney and wife to George W. Morris dated November 27, 1903, which conveys the tract of one hundred acres above referred to in the deed from Thomas Reagan and wife to said Maney. However, this deed contains the following exception: "excepting from this conveyance that part of said land conveyed by L.A.W. Maney and wife to H. Kimsey Beck and J. C. Ayers to which said deed reference is made for a full description". This deed is registered in Swain County and is set out on page 997 of the Abstract of Title to Tract No. 23.

30. George W. Morris by deed dated December 29, 1903, conveyed to Three "M" Lumber Company the same tract of land with the same exception. This deed is recorded in Swain County. Page 999 of the Abstract of title to Tract No. 23.

31. The title from the Three "M" Lumber Company, subject of course, to said exception, passed thence by various conveyances to and became vested in the Champion Fibre Company. These deeds will be found set out and referred to in the Abstract of Title to Tract No. 1-c.

32. However, the deed from H. K. Beck and wife to J. M. Ayers, dated February 1, 1902 and above set out, would we think, constitute color of title and it is shown by affidavits that J. M. Ayers has been in long continuous, adverse possession of said tract certainly from the date of the execution of said deed of January 1, 1902. He has used these lands as a part of his farm and this possession is well established and well known. Affidavits as to such possession are set out in the Abstract, page \_\_\_\_.

#### PRIOR CONVEYANCES

It will be noted from the above abstract that the present owner, J. M. Ayers, claims title to a portion of Tract No. 21 covered by Grant 7845 under various deeds from the heirs at law of S. L. Beck, who had died seized of this property. Some of these deeds describe the lands conveyed to J. M. Ayers as the lands of which S. L. Beck died seized and possessed. We wish, therefore, to

call attention to the following prior conveyances affecting a portion of 7845, towit:

33. S. L. Beck and wife, C. P. Beck, by deed dated May 4, 1903, conveyed to Charles D. Fuller three several tracts of land, the third tract is for forty-four acres, which lies entirely within Grant 7845 covering its extreme southern portion. This deed is recorded in Swain County and is set out on page \_\_\_\_\_ of the Abstract of title to Tract No. 1.

34. This title then passed by successive conveyances and became vested in the Champion Fibre Company as follows:

(a) Charles D. Fuller and wife to S. Montgomery Smith deed dated July 21, 1904, registered in Book 26, page 158. This deed is set out in the Abstract of Title to Tract No. 1, page \_\_\_\_\_.

(b) S. Montgomery Smith and wife to George W. Clark deed dated September 14, 1912, registered in Book 38, page 311. This deed is set out in the Abstract of title to Tract No. 1-b, page \_\_\_\_\_.

(c) A further deed from S. Montgomery Smith and wife to George W. Clark dated November 7, 1910 registered in Book 36, page 194. This deed is set out in the Abstract of title to Tract No. 1-b, page \_\_\_\_\_.

(d) George W. Clark to Mary L. Clark, Will, dated September 12, 1892. This will is set out in the Abstract of title to Tract No. 1-b, page \_\_\_\_\_.

(e) Mary L. Clark, George E. Clark, Irving Clark, Linda A. Smith, Will dated May 8, 1916. This will is set out in the Abstract of Tract 1-b, page \_\_\_\_\_.

(f) George E. Clark, Executor and Lydia C. Smith, Executrix of Mary L. Clark, deceased and George E. Clark and wife, Linda Smith and husband H. E. Smith, Irving L. Clark and wife, Grace E. Clark, to Champion Fibre Company, deed dated August \_\_\_\_\_, 1919, registered in Book 46, page 530. This deed is set out in Abstract of Title to Tract No. 1-b, page \_\_\_\_\_.

From the foregoing, it appears that this tract of forty-four acres is now outstanding in the Champion Fibre Co.

35. J. M. Ayers and wife, by deed dated July 10, 1930, conveyed the lands under discussion to the State of North Carolina. This deed is properly executed and is registered in Swain County. Page 706 of this Abstract.

## LAPPAGES

The western side of Grant 7845 is lapped upon by Grant 10023, which was issued to J. S. Elmore and Silas Jenkins on April 2, 1890. Whatever title was obtained under Grant 10023 passed by various conveyances and became vested in Champion Fibre Company by deeds which are set out in the Abstract of Title for Tract No. 1. However, this lappage is not claimed by the Champion Fibre Company or any other person under this grant as it is junior to 7845 under which Tract No. 21 is held by J. M. Ayers. The tract has also been in possession by J. M. Ayers and those under whom he claims for many years.