

NORTH CAROLINA PARK COMMISSION

ASHEVILLE, N. C.

REPORT ON THE J. M. KIMSEY TRACT - NO. 23Location:

This tract lies about three-quarters of a mile above Smokemont on the West fork of Oconalufty River; it is practically all under cultivation and is now occupied.

Description:

It is being used as a home place. Was purchased from the Southern Spruce Company several years ago. There are a few fruit trees on the place and the land is smooth and lies very well for a small place.

Improvements:

Eight room, cealed house, which has been built for many years, and now is in only fair condition. Construction frame, ceiled and weatherboarded; it has been a nice place. Barn in poor condition.

Valuation:

Eight room house	\$800.00
Three stall barn	50.00
Three acres Flat land	90.00
Seven and one-half acres cutover woodland	60.00

\$1,000.00

This has been a nice place, and originally the house must have cost much more money than the place is being bought for, and as a small home is well worth more than the purchase price.

W. H. Woodbury
S. F. Chapman

Analysis of Title

Tract No. 23.

Tract No. 23 is covered by two grants, Grant No. 7845 issued November 17, 1886 to S. L. Beck and Grant No. 7591, issued February 17, 1886, to Thomas Reagan. Each grant will be considered separately.

Grant No. 7845.

1. Grant No. 7845 was issued by the State of North Carolina to S. L. Beck on November 17, 1886 and contains 259 acres. This grant covers a portion of Tract No. 23. Page 993 of this Abstract.

2. On May 31, 1887, S. L. Beck by a deed conveyed to Thomas Reagan a tract of land containing twenty acres, more or less, which conveyance is a portion of State Grant No. 7845 and covers a portion of tract No. 23. It will be noticed by reference to this deed that S. L. Beck's wife is not mentioned in the preamble, however, she signs and acknowledges this conveyance and we are of the opinion that this defect is immaterial. This deed is of record in Swain County. Page 994 of this Abstract.

Grant No. 7591.

3. Grant No. 7591 was issued by the State of North Carolina to Thomas Reagan on February 17, 1886 and contains 69 acres. This grant covers a portion of Tract No. 23. Page 995 of this Abstract.

4. On January 3, 1893, Thomas Reagan and wife Harriett by deed convey a tract of land containing one hundred acres to L. A. W. Maney. This conveyance is a portion of Grant 7591 and also of Grant 7845 and covers tract No. 23.

Harriett Reagan, the wife of Thomas Reagan is not mentioned in the preamble of this deed. However, she signs the deed and acknowledges the same and her private examination is taken by the Justice of the Peace, before whom said deed was acknowledged and we are of the opinion that this defect is immaterial. This deed is of record in Swain County. Page 996 of this Abstract.

5. On November 27, 1903, L. A. W. Maney and wife Sallie

Money conveyed to George W. Morris a tract of land containing 100 acres. The description of this tract is not given by metes and bounds but is described by reference to the deed from Thomas Reagan to L.A.W. Maney and covers the same land described in the deed from Thomas Reagan to L.A.W. Maney. Page 997 of this Abstract. This deed also contains a second tract, which has nothing to do with the locus in quo. The above mentioned deed is of record in Swain County.

6. On December 29, 1903, George W. Morris with the joinder of his wife, Alice Morris conveys the same lands mentioned in the above paragraph of this Analysis to the Three M. Lumber Company. The land in this conveyance is not described by metes and bounds but by reference to the deed of Thomas Reagan to L.A.W. Maney. There is also a second tract in this conveyance, which has nothing to do with the locus in quo. This deed is of record in Swain County. Page 999 of this Abstract.

7. On September 16, 1911, the Three M. Lumber Company, a corporation, conveyed to George W. Morris a tract of land containing twelve acres, which tract is known and designated as tract No. 23. This deed is of record in Swain County. Page 1000 of this Abstract.

8. On December 20, 1915, George W. Morris with the joinder of his wife, Alice Morris, conveyed a tract of land containing twelve acres, this is designated herein as tract No. 23 to James Kimsey. This deed is of record in Swain County. Page 1001 of this Abstract.

9. On the ____ day of December 1915, James Kimsey executed to S. W. Black, Trustee a deed in Trust on Tract No. 23, which said Deed of Trust was given to secure the sum of \$400.00. This deed of Trust is not cancelled of record. See page 1002 of this Abstract.

Tract No. 23.

IT IS HEREBY CERTIFIED: That the title to the within described land as disclosed in the attached abstract which contains a full, complete and correct abstract of all instruments and court proceedings of record affecting the same from and including the beginning entry there of has been carefully examined and noted, and that the following named owner.....:

James Kimsey

is seized in fee simple of a good and valid title to the same, subject only to any lien, charge or encumbrance shown in this abstract and listed hereon.

ENCUMBRANCES

1. Taxes for the year 1928 in the sum of \$ _____
are outstanding and unpaid.

2. A Deed of Trust in the sum of \$400.00 given to S.W.Black, Trustee, and recorded in Book 10, page 290 in the Register of Deeds Office of SwainCounty, which is not cancelled of record.

Name of Owner J. M. Feinsey Address Spartanburg, N.C.

County Salisbury Map No. _____ Total Acreage Claimed _____

Soil: Quality _____ A. Good _____

_____ A. Fair _____ A. Cultivated _____ A. In Timber

_____ A. Poor _____ Good _____

Timber: Kinds _____ Fair _____

Poor _____

Orchard: Acres, Kinds of Trees _____ Condition _____

_____ Bearing Trees _____ Young Trees _____

Springs: Location with reference to and distance from imp. _____

Streams: Name of Creeks West Fork Is Farm well Watered? _____

Roads: Kind _____ Distance from Improvements _____

Fencing: Kind _____ Condition: Good _____, Fair _____, Bad _____

Residence: Kind _____ Size _____ No. of Rooms _____

Condition: Good _____, Fair _____, Poor _____

Other Buildings: No. _____ Kinds _____

Condition: Good _____, Fair _____, Poor _____

My Valuation \$ 1000⁰⁰ Owners Price \$ 1000⁰⁰

Sign Here _____

3 Room Cribed House	800.00
2 Stall Barn	50.00
3 A. Flat-Land 3 ⁰⁰	90.00
7 1/2 A Cut Over Woodland	75.00
	1015.00

Tax Valuation 800⁰⁰

N.C. # 7845

$\frac{8}{5'20}$

11-17-86

259 A.

N.C. # 7591

$\frac{8}{5'15}$

2-17-86

69 A

✓ J.L. Beck

$\frac{15}{106}$

5-31-87

20 A.

✓ Thomas Reagan & wife

$\frac{15}{102}$

1-3-93

100 A

L.A.D. Marris & wife

$\frac{20}{407}$

11-27-08

2 Tracts
EX

✓ Geo. W. Marris & wife

$\frac{20}{417}$

12-29-08

2 Tracts
EX

✓ Thru M. Lumber Co.

$\frac{37}{145}$

9-16-11

12 A

✓ Geo. W. Marris & wife

$\frac{41}{513}$

12-20-15

12 A

✓ J.M. Kinney

(26)

STATE OF NORTH CAROLINA

Swain

COUNTY. }

THIS DEED, Made this 8th day of February A.D. 192⁹, by and between

J. M. Kimsey, widower

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 One Thousand (\$ 1000) 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 Lufly Township Swain County, State of North Carolina, particularly described as follows, viz.:

Tract No. 23:

Lying on the waters of the West Fork of the Ocona Lufly River.

BEGINNING at Corner 1, which is corner 10 of the Champion Fibre Company Tract (1-c), a point on East Bank of Small stream a corner common to J. M. Ayers, Set an oak post; thence with six lines of the Champion Fibre Company Tract (1-c), South 61-39 East 5.64 chains, Corner 2; thence South 89-54 East 3.19 chains, Corner 3, a stone in place, .45 chain South of old tramway; thence South 43-36 East 5.44 chains, Corner 4, a fence post; thence South 38-22 West 7.71 chains, Corner 5, a fence post; thence North 39-04 West 2.28 chains, corner 6, a fence post; thence North 69-43 West 4.78 chains, Corner 7, a point with witnesses, a corner common to J. M. Ayers and Corner 4 of the Champion Fibre Company, set a post scribed A-2, Corner 5; A 10" spruce pine bears South 67-00 West 25 chain distant, scribed B. T. A-2, Corner 5; thence North 60-27 West 6.40 chains, Corner 8, a stake in branch; thence down the branch with its meanders, North 10-15 East 1.04 chains; thence North 31-58 East 1.40 chains; thence North 40-41 East 1.53 chains; thence North 51-07 East 2.04 chains; thence North 35-13 East 1.60 chains, to place of beginning, containing 10.65 Acres.

Also all other pieces, parcels or lots of land or interest in land located within the area designated by the Secretary of the Interior as the "Great Smoky Mountains National Park".