

DESCRIPTION OF THE BOUNDARY

OF THE

M. W. BECK TRACT (41)

SWAIN COUNTY, NORTH CAROLINA.

Lying East of the Ocona Lufty River and South of Beck Branch, beginning at Corner 1, which is corner 6 of the James Wilson Tract (40), being a point in the center of Ocona Lufty River at the mouth of Beck Branch, thence up the meanders of Beck Branch with the lines of the James Wilson Tract,

N. 8-46 E. ✓

12.46 A Point.

N. 14-34 E. ✓

8.92 A Point.

N. 39-53 E. ✓

4.88 A Point.

N. 43-37 W. ✓

2.14 A Point.

N. 30-51 E. ✓

5.58 A Point.

N. 58-57 E. ✓

4.25 A Point.

N. 24-34 E. ✓

1.29 A Point.

N. 56-23 E. ✓

2.97 A Point.

N. 48-07 E. ✓

3.26 Corner 2, which is corner 5 of the James Wilson Tract (40), being a point in the center of Beck Branch on the line of the Indian Boundary, thence with the Indian Boundary,

S. 40-36 E. ✓

17.30 Corner 3, which is corner 1 of Tract (42), (supposed to belong to the Thomas heirs), being a ~~white oak~~ ^{point} in the

Indian Boundary line.

Thence, with one line of Tract (42)

S. 4-33 W. ✓

23.94 Corner 4, a common corner with the J. H. Beck Tract (46).

Thence, with the J. H. Beck Tract (46).

S. 55-20 W. ✓

17.45 Corner 5, a planted stone on bank of river, thence up the river with its meanders,

N. 50-26 W. ✓

10.83 A Point.

N. 68-09 W. ✓

4.75 To the place of beginning, containing 90.98 acres.

NORTH CAROLINA PARK COMMISSION

We beg to report that we visited the premises of M. W. Beck and find the following:

4.2	7 acres bottom land	\$1,050.00 ✓
	12 acres uncut timber land	180.00
	10 acres upland	150.00 ✓
	70 acres woodland	700.00
	3 large bearing apple trees	30.00
	Total	✓ <u>\$2,110.00</u>

2001

He claims that this land cost him \$2500.00, his price for the property, \$3500.00.

A. S. Patterson

W. C. Martin

The price that M.W. and Julia Beck paid,
per Swain County deed 45-400, was \$2,600.

Analysis of Title

Tract No. 41.

Tract No. 41 is owned by M. W. Beck and is covered by grants Nos. 224 to William Cathcart and 1407 to John Ferguson.

1. On August 3, 1897, J. H. Thomas as Administrator of W. H. Thomas conveyed to Henry H. Beck, two tracts of land, the second tract containing 185 acres. This latter tract includes the larger portion of the M. W. Beck tract No. 41. This deed has heretofore been shown in this Abstract on page 211.

W. H. Thomas acquired title to the lands embraced in Grant No. 224 to William Cathcart by the several conveyances heretofore shown in this Abstract on pages 169 to 182 inclusive.

2. On October 20, 1839, John Brown, Agent of the Cathcart, Latimer and Dale heirs conveyed to John Beck, Sr. a 50 acre tract of land, which covers the south west corner of the M. W. Beck tract No. 41. Page 268 of Abstract.

3. On July 8, 1828, John Brown, Agent of the Cathcart Latimer and Dale heirs, conveyed to John Beck a tract of land, same being that portion of Grant No. 1407, which lies east of the Ocona Luffy River. This tract covers the southern end of the M. W. Beck tract No. 41, as well as portions of other tracts. Page 269 of Abstract.

4. The right of John Brown as Agent to execute the two deeds last above referred to is fully set forth herein as will appear by reference to pages 169 to 181 inclusive.

5. Thereafter John Beck, Sr. died intestate leaving him surviving as his heirs at law, the persons, who executed as grantors, the deeds next mentioned. We are making an attempt to obtain an affidavit as to the heirs of John W. Beck and when such affidavit is obtained, same will be inserted at the proper place in this Abstract.

6. The next four conveyances are supposed to have been made by the heirs at law of John Beck to H. J. Beck for all their interest in the lands of which John Beck died seized and possessed. These conveyances have already been shown in the Abstract of Tract No. 40 and are fully set out on pages 285 to 286 hereof.

7. Thereafter Henry J. Beck died, after having made his last Will and Testament, which was probated on July 26, 1900. By the terms of this Will, the children of his first wife were devised all of his land from the Big Beck Branch down, and of course includes Tract No. 41. This Will has here-

tofore been shown in this Abstract, on pages 212 to 215 inclusive.

On page 215-a is an affidavit of George W. Beck, giving the names of the children of the first wife of Henry J. Beck, viz: William Beck, S. L. Beck, Elizabeth C. Connor, M. J. Beck and J. H. Beck.

8. On October 22, 1903, William H. Beck, one of the children of Jane Beck, conveyed his one fifth interest in two tracts of land, one tract containing one hundred acres and the other containing fifty acres. The hundred acre tract covers the south portion of the M. W. Beck tract No. 41. Page 297 of Abstract.

9. On October 2, 1905, Samuel Beck with the joinder of his wife, C. P. Beck, another of the heirs at law of Jane Beck, conveyed to J. H. Beck, his undivided one-fifth interest in the two tracts of land above referred to, by deed duly executed and registered in Swain County. Page 296 of Abstract.

10. On April 5, 1910, Merritt J. Beck, being one of the heirs to Jane Beck, conveyed to Mrs. Elizabeth C. Connor, his undivided interest in said two tracts of land by deed duly executed and registered in Swain County. Page 300 of Abstract.

11. On March 12, 1914, J. H. Beck, conveyed to E.C. Connor, all his interest in 80 acres of land, same being tract No. 41, by deed duly executed and registered in Swain County. Page 303 of Abstract.

12. On October 25, 1921, M. J. Beck, Administrator of Elizabeth C. Connor, deceased, conveyed to L.A.W. Maney a tract of land containing 80 acres, being the same lands that were conveyed by J. H. Beck to Mrs. E.C. Connor by the next preceding deed. This deed recites that it was made pursuant to a decree of the Clerk of the Superior Court of Swain County, entered in a Special Proceeding brought for the purpose of selling lands to make assets for the payment of the debts of the intestate. The deed also recited the day and place of sale, the name of the bidder, the amount of the bid, the report of sale and the decree of confirmation. Said deed and the proceedings with reference thereto are fully set out on page 305 to 305 -

Eighty
13. On April 11, 1923, L.A.W. Maney and wife Sally, conveyed to M. W. Beck and wife Julia, a tract of land containing eight acres, the same being tract No. 41 aforesaid. This deed excepts the Beck Graveyard containing one acre, more or less. P.

14.

ATTORNEY'S CERTIFICATE AND OPINION

Tract No. 41

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.....:

M. W. Beck and wife Julia

.....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 amounting to \$31.85 are outstanding and unpaid.

2. The deed of L.A.W. Maney and wife to M. W. Beck and wife recorded in Book 45, page 400, excepts the Beck Graveyard, containing one acre, more or less, the boundaries to be as the fence now stands. The title, therefore, to this acre lot, appears to be in L.A.W. Maney and wife Sally Maney.

July 7, 1930

REPORT ON THE M. W. BECK TRACT - NO. 41, 90.98 ACRES.

LOCATION:

This tract is located on the Oona Luffy River, just below Smokemont, and it adjoins the lands of other property owners in this section.

DESCRIPTION:

A home tract farmed by the owner, lying along the public road; 7 acres of bottom land, 10 acres of upland field, balance woodland, a small part of which is uncut.

VALUATION:

7 acres bottom land	\$1400.00
10 acres upland field	250.00
12 acres uncut timber	250.00
62 acres woodland	700.00
	<u>\$2600.00</u>

This property has been optioned for \$2600.00

Wm. Woods

W. D. Morley
APPRAISERS.

THIS DEED, Made this

day of

A.D. 192 , by and between

M. W. BECK and wife, JULIA BECK

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 ---TWENTY-SIX HUNDRED-----(\$2600.00) 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 Lufly Township Swain County, State of North Carolina, particularly described as follows, viz.:

TRACT NO. 41:

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

Lying East of the Ocona Lufly River and South of Beck Branch, BEGINNING at corner 1, which is corner 6 of the James Wilson Tract (40), being a point in the center of Ocona Lufly River at the mouth of Beck Branch, thence up the meanders of Beck Branch with the lines of the James Wilson tract North 8-46 East 12.46 chains; North 14-34 East 8.92 chains; North 39-53 East 4.88 chains; North 43-37 West 2.14 chains; North 30-51 East 5.58 chains; North 58-57 East 4.25 chains; North 24-34 East 1.29 chains; North 56-23 East 2.97 chains; North 48-07 East 3.26 chains, corner 2, which is corner 5, of the James Wilson Tract (40), being a point in the center of Beck Branch on the line of the Indian Boundary, thence with the Indian Boundary; South 40-36 East 17.30 chains, corner 3, which is corner 1 of Tract (42), (supposed to belong to the Thomas heirs), being a point in the Indian Boundary line; thence with one line of Tract (42) South 4-33 West 23.94 chains, corner 4, a common corner with the J. H. Beck Tract (46); thence with the J. H. Beck Tract (46) South 55-20 West 17.45 chains, corner 5, a planted stone on bank of river; thence up the river with its meanders; North 50-26 West 10.83 chains; North 68-09 West 4.75 chains, to the place of BEGINNING, containing 90.85 acres.

EXCEPTING a graveyard as described in a deed from L.A.W. Maney and wife to M. W. Beck and wife, dated April 11, 1923, and recorded in Book 45, page 400, records of Swain County, reference to which deed is hereby made for a complete description of this exception.

SIGNED, SEALED AND DELIVERED
in the presence of

M. W. Beck (Seal)

Julia Beck (Seal)

(Seal)

(Seal)

STATE OF NORTH CAROLINA.....Swain.....COUNTY.

I, Will W. Wiggins, a Notary Public

do hereby certify that M. W. Beck

and Julia Beck

his wife, personally appeared before me this day and acknowledged the due execution of the foregoing instrument; and the said Julia Beck, being by me privately examined, separate and apart from her said husband, touching her voluntary execution of the same, doth state that she signed the same freely and voluntarily, without fear or compulsion of her said husband or any other person, and that she doth still voluntarily assent thereto. Let the instrument and the certificate be registered.

Witness my hand and Official seal this 10th day of July, A.D. 1930

Notary Seal

Will W. Wiggins
Notary Public.

My commission expires December 19, 1930

Warranty Deed

M. W. Beck & WIFE

TO

THE STATE OF NORTH CAROLINA

Consideration - - - \$2600.00

Dated 10th day of July, 1930

Filed for registration on the 12

day of July, 1930, at 10:37

o'clock P.M., and registered in the office

of the Register of Deeds for

Swain

County, North Carolina, on the 12th

day of July, 1930, in Book

No. 58 of Deeds, at page 529

Ellis Burnette
Register of Deeds.

FEES.

STATE OF NORTH CAROLINA Swain COUNTY.
The foregoing certificate of Will W. Wiggins, a Notary Public
of Swain County, is adjudged to be correct. Let the instrument and the certificate
be registered.
This 12th day of July A.D. 1930.

U. A. Boerwink, Clerk Superior

REKKE

DEED.

L.A.W.MANEY

Date

April 11, 1923.

TO

Reg.

Book 45.p.400

M.W.BECK & WIFE.

Swain County.

80 Acres.

DESCRIPTION.

BEGINING on a rock, on the bank of Lufly river, just above the Black Gum Spring and runs N.55 E.90 poles to a Stake, in the Indian boundary line; then with Indian line to Beck Branch; then down Beck Branch, as it meandesr, to the River; then down the river, with G.H.Conner's line to the begining.

The Beck Graveyard of one acre is excepted in this deed.

Note: This should read to the old Beck line; then with old Beck line to Indian boundary line