

DESCRIPTION OF THE BOUNDARY

OF THE

J. H. BECK TRACT (46)

Lying at the mouth of Toe String Creek, a tributary of Ocona Lufty River.

Beginning at Corner 1, which is corner 5 of the M. W. Beck Tract (41), a planted stone on the East bank of Ocona Lufty River.

Thence, N. 55-20 E.

17.45 Corner 2, a point in the old Beck Line.

Set a post scribed B.

A 14" Spanish Oak, blazed and scribed B.T. B., bears S. 75-00 E. .20 chain distant.

Thence, S. 4-40 W.

16.11 Corner 3, a point at corner of wire fence, with a sourwood witness.

Thence N. 11-42 E.

7.64 Corner 4, a 20" chestnut oak, with old marks, on a spur ridge.

A 12" Chestnut Oak, blazed and Scribed B.T., bears N. 14-00 W. .18 chain distant.

Thence, N. 33-21 E.

12.06 Corner 5, a 30" Black Oak, with corner marks, on the divide between Toe String Creek and Beck Branch.

Thence, S. 36-37 E.

3.38 Corner 6, a small gum with corner marks, at corner of fence.

Thence, S. 6-50 W.

5.69 Corner 7, a 30" Spanish Oak with corner marks, beside wire fence,

Thence, S. 4-10 E.

6.55 Corner 8, a planted stone with witnesses.

A 12" Black Oak, blazed and scribed B.T. bears N. 46-00 E. .15 chain distant.

Thence, N. 73-07 E.

5.77 Corner 9, a White Oak at corner of fence.

Thence, S. 49-28 E.

4.64 Corner 10, a beech with corner marks, .40 chain S. E. of Toe String Creek.

Thence, S. 31-30 W.

7.28 Corner 11, a planted stone near a small stream.

Thence, S. 78-30 E.

4.97 Corner 12, a planted stone and witnesses, at corner of wire fence.

Thence, N. 4-00 E.

5.94 Corner 13, which is corner 6 of the William Johnson Tract (43), a point in the old beck line.

Thence, N. 2-21 E.

With old line.

3.71 Corner 14, which is corner 6 of the William Bradley Tract (44), a rock on the S.E. bank of Toe String Creek, shown as his corner by William Bradley.

Thence, S 34-02 E.

With a line of the William Bradley Tract.

22.76 Corner 15, a White Oak with corner marks on top of Hughes Ridge, scribed B-I.BB.

Ridge,
Thence, with the meanders of Hughes

S. 33-28 W.

2.34 A Point.

S. 12-37 W.

1.47 A Point.

S. 36-49 W.

4.60 A Point.

S. 31-39 W.

2.17 A Point.

S. 28-15 W.

2.48 A Point.

S. 61-49 W.

16.05 A Point.

N. 74-15 W.

4.07 A Point.

S. 54-47 W.

3.19 A Point.

S. 76-36 W.

4.94 A Point.

S. 57-11 W.

3.56 Corner 16, a post marked $37\frac{1}{2}$ M.

Thence, N. 39-30 W.

14.34 Corner 17, a 12" hickory at fence corner.

Thence, N. 7-57 E.

3.36 Corner 18, a dead chestnut at fence corner.

Thence, N. 85-47 W.

20.71 Corner 19, a sycamore stump on bank of Ocona Lufty River,
and at old mouth of Toe String Creek.

Thence, up the river, with its meanders.

N. 31-52 E.

19.40 A Point.

N. 10-31 W.

6.86 The place of beginning, containing 142.47 acres, exclusive
of Exception 1.

DESCRIPTION OF THE BOUNDARY

OF THE

J. H. BECK TRACT (46)

EXCEPTION 1.

Being the Toe String School Tract (111).

Beginning at corner 1, a large poplar on the West Side of Toe String Creek.

Thence, S. 89-33 W.

3.75 Corner 2, a rock on the South Side of the road.

Thence, S. 10-33 E.

1.35 Corner 3, a point on South Side of the Creek.

Thence, S. 65-00 E.

2.67 Corner 4, a point above the spring.

Thence, N. 24-00 E.

2.61 The place of beginning, containing .60 acres.

Analysis of Title

Tract No. 46.

1. Tract No. 46 is covered by Grant No. 224 to William Cathcart and the title to the lands within said Grant passes by Meane conveyances to John Brown, Agent as heretofore shown on pages 169 to 181 inclusive.
2. On July 8, 1828, John Brown, Agt. conveyed to John Beck two tracts of land. The first tract being all that portion of No. 1407 which lies east of the Ocona Luffy River. This tract covers the western portion of J. H. Beck's Tract No. 46.
3. On March 26, 1844, Thomas M. Petit, by J. L. Brown Agent, conveys to John Beck a tract of land containing fifty acres, which covers the north central portion of tract No. 46. This deed is duly executed and registered in Haywood County. So far we have been unable to trace the title back to Thomas M. Petit. If a grant or grant and deeds are hereafter found, the same will be inserted in this Abstract at the proper place. Page 346 of Abstract.
4. Thereafter John Beck died intestate and his heirs at law conveyed the lands referred to in the next preceding deeds to Henry J. Beck. These deeds are fully set out in the Abstract of title of Tract No. 40 on pages 285 to 286.
5. Thereafter Henry J. Beck died, first having made and published his last Will and Testament. He devised all his lands from the Big Beck Branch down to the children of his first marriage, viz: William Beck, Samuel L. Beck, Elizabeth C. Connor, M. J. Beck and J. H. Beck. See pages 213 to 215-a inclusive for will and affidavit.
6. On October 22, 1903, William H. Beck conveyed his one-fifth interest in the lands, aforesaid to J. H. Beck. See page 297 of Abstract.
7. On October 2, 1905, Samuel L. Beck and wife conveyed to J. H. Beck, his one-fifth interest in the lands aforesaid, by deed duly executed and registered in Swain County. Page 296 of Abstract.
8. On April 5, 1910, Merritt J. Beck, conveyed to Elizabeth C. Connor, his one-fifth interest in the lands, aforesaid, by deed duly executed and registered in Swain County. By these deeds Elizabeth C. Connor became the owner of an undivided two-fifths interest and J. H. Beck an undivided three-fifths interest in the lands aforesaid.

9. On March 12, 1914, Elizabeth C. Connor conveys to J. H. Beck, all her interest in 140 acres of land, which covers the western and central portion of Tract No. 46. This deed is duly executed and registered in Swain County.

10. The southeastern and southern portion of Tract No. 46 is conveyed by James R. Thomas, Commissioner and Administrator of W. H. Thomas to W. M. Bradley, by deed dated Jan. 5, 1904. This deed is duly executed and registered in Swain County. Page 349 of Abstract. The title to said lands was acquired by W. H. Thomas under and by virtue of Grant No. 224 to William Cathcart and the several conveyances thereunder, heretofore fully shown in this Abstract on pages 169 to 182 inclusive.

11. On October 24, 1913, William Bradley and wife conveyed to G. W. Bradley, a tract of land containing 80 acres, more or less, which tract covers the lower and eastern portion of tract No. 46. Page 350 of Abstract.

12. On September 10, 1920, G. W. Bradley and wife conveyed to J. H. Beck a tract of land containing fifty-seven acres more or less, which covers the lower and eastern end of said Tract No. 46. Page 351 of Abstract.

13. The north central portion of Tract No. 46 is covered by a deed from James R. Thomas, Administrator and Commissioner of W. H. Thomas to William Bradley, dated January 27, 1904. This deed also covers tract No. 42, belonging to W. G. Johnson. Page 319 of Abstract. The lands embraced within said conveyances are covered by Grant No. 224 to William Cathcart and the title passes by mesne conveyances from the said William Cathcart to W. H. Thomas, as heretofore shown on pages 169 to 182 inclusive of this Abstract.

14. On September 29, 1911, William Bradley, conveyed to W. G. Johnson, the lands embraced in the next preceding deed, by deed duly executed and registered in Swain County. Page 320 of Abstract.

15. On March 12, 1914, W. G. Johnson and wife, Jane, conveyed to J. H. Beck a tract of land containing thirteen acres, more or less, same being the central and northern portion of Tract No. 46, aforesaid.

By the several grants and deeds above referred to, the title to said Tract No. 46, has passed into J. H. Beck.

16. Merely for the purpose of showing the correct boundary lines, we have inserted in this Abstract a deed from J. H. Beck to W. G. Johnson for three acres of land, lying immediately northeast of Tract No. 46. Page 321 of Abstract.

17. Tract No. 45, belonging to Cole Treadaway's heirs was also sold and conveyed to J. H. Beck, from the deeds above referred to.

TAXES

(Fill in all blanks indicating year, and show on lines opposite the year whether or not the taxes have been paid. If paid an affirmative showing must be made by use of the word "Paid." The use of ditto marks is not permissible).

The property in question is assessed for taxation for the current year, 19²⁶, at \$4000, in the name

J. H. Cook and the taxes for the past ten years have been paid or not paid as follows:

19 ¹⁹	Paid
19 ²⁰	Paid
19 ²¹	Paid
19 ²²	Paid
19 ²³	Paid

19 ²⁴	Paid
19 ²⁵	Paid
19 ²⁶	Paid
19 ²⁷	Paid
19 ²⁸	Unpaid amount \$ <u>86.04</u>

ASSESSMENTS

Tract No. 46.

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

J. H. Beck

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. A grant or grant and deed should be shown for the fifty acre tract described in the deed of Thomas M. Petit, by W. L. Brown, Agt. to John Beck, dated March 26, 1844, as we have been unable to find any grant or deeds covering said tract.
2. There is excepted from the above tract, a small parcel, containing about one-half acre, deed by J. H. Beck to the County Board of Education of Swain County. This deed is dated December 3, 1923 as recorded in book 53, page 6. It is designated on the plat as "Tract No. 11, Exception no. 1", page of Abstract.
3. Taxes for the year 1928 amounting to \$ 86 04 are outstanding and unpaid.

This 20 day of October, 1928

NORTH CAROLINA PARK COMMISSION

We beg to report that we visited the premises of
J. H. Beck, October 1929, and found as follows:

15 acres bottom land	13.4- 16.4 <i>Beck</i> 3.4	\$3,000.00 ✓
27 acres pasture land		405.00
100 acres woodland		1,000.00
6 room house, with porch and paper roof		1,500.00 ✓
100 bearing apple trees		1,000.00 ✓
Large garden fenced with woven wire		50.00
1 smoke house two story 16 x 18		50.00
Machine house and apple cellar		40.00
Hen house and pig pen		15.00
Crib and shuck pen		20.00
Spring and spring house		10.00
Grape vines		10.00
1 barn 9 stalls		400.00
Shop and closet		20.00
Hog lot fenced with woven wire		15.00
Hen house 1		10.00
1 house, 3 rooms		300.00
1 house and barn		175.00
1 barn and crib		75.00
Smoke house		30.00
Total	✓	\$8,125.00

His price on the above property is \$10,000.00.

A. S. Patterson
W. C. Martin

\$8000.00

January 11, 1930.

REPORT ON THE J. H. BECK TRACT - NO. 46, 142.47 ACRES.

LOCATION:

This tract is located on Oconalufly River at the mouth of Toe String Creek, about one-half mile below Smokemont, and adjoins the lands of other small property owners.

DESCRIPTION:

A nice farm, occupied by the owner, well tended and productive; about 15 acres of flat land, 12 acres of grass; a good orchard, and 115 acres of woodland, which is in good condition.

IMPROVEMENTS:

A six room frame house, ceiled and weatherboarded, with metal roof, running water, freshly painted, and in good repair.

A nine stall barn, several outbuildings, two tenement houses, and 12 acres nicely set in grass; 100 bearing apple trees.

VALUATION:

10 acres river Bottom	@ 200.00	\$2,000.00
5 acres creek bottom	@ 150.00	750.00
6-room frame house		1,800.00
9-stall barn		600.00
100 bearing apple trees		500.00
Outbuildings		200.00
2-room box house		150.00
3-room frame house		500.00
12 acres grass land		350.00
115 acres woodland		1,150.00
Total		\$8,000.00

An option has been taken on this property for \$8,000.00.

ATTORNEY'S CERTIFICATE AND OPINION

Tract No. 46.

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.....:

J. H. Beck--142.47 acres.

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. Subject to taxes.

2. This tract is covered by the Cathcart Grant No. 224, dated September 9, 1793. A fifty acre tract which covers a part of tract No. 46 was conveyed by Thomas M. Petit by W. L. Brown, Agent, to John Beck by deed dated March 26, 1844. The record does not disclose any deed to Thomas M. Petit and therefore, we have not been able to connect the title of record with Grant 224. However, this tract has been in long, continuous adverse possession so as to mature title in J. H. Beck and those claiming under him against any possible claim under Grant 224. The tract lies on Toe String Creek and possession on it is very old, and we think entirely sufficient to constitute good title in the present claimant--J. H. Beck. Affidavits of this possession are shown by the Abstract.

3. Within the outside boundaries of tract No. 46 is an exception of .60 acres, which was conveyed by J. H. Beck to the County Board of Education by deed dated December 3, 1923. This exception, however, is not included in the acreage of tract No. 46 and constitutes Tract No. 111.

OK
JA

This 18th day of January, 1930

John H. Beck
Attorney.

THIS DEED, Made this 24th day of January

A.D. 194 30, by and between

J. H. Beck (widower)

of 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 **Eight Thousand-----00/100 (\$ 8,000.00)** 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.:

Tract (46)

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

Lying at the mouth of Toe String Creek, a tributary of Ocona Lufty River. BEGINNING at corner 1, which is corner 5 of the M. W. Beck Tract (41), a planted stone on the East bank of Ocona Lufty River; thence, N. 55-20 E. 17.45 chains, corner 2, a point in the old Beck line, set a post scribed B, a 14" spanish oak, blazed and scribed B. T. B., bears S. 75-00 E. .20 chain distant; thence, S. 4-40 W. 16.11 chains, corner 3, a point at corner of wire fence, with a sourwood witness; thence, N. 11-42 E. 7.64 chains, corner 4, a 20" chestnut oak, with old marks, on a spur ridge, a 12" chestnut oak, blazed and scribed B. T., bears N. 14-00 W. .18 chain distant; thence, N. 33-21 E. 12.06 chains, corner 5, a 30" black oak, with corner marks, on the divide between Toe String Creek and Beck Branch; thence, S. 36-37 E. 3.38 chains, corner 6, a small gum with corner marks, at corner of fence; thence, S. 6-50 W. 5.69 corner 7, a 30" spanish oak with corner marks, beside wire fence; thence, S. 4-10 E. 6.55 chains, corner 8, a planted stone with witnesses, a 12" black oak blazed and scribed B. T. bears N. 46-00 E. .15 chain distant; thence, N. 73-07 E. 5.77 chains, corner 9, a white oak at corner of fence; thence, S. 49-28 E. 4.64 chains, corner 10, a beech with corner marks, .40 chains S. E. of Toe String Creek; thence, S. 31-30 W. 7.28 chains, corner 11, a planted stone near a small stream; thence, S. 78-30 E. 4.97 chains, corner 12, a planted stone and witness, at corner of wire fence; thence, N. 4-00 E. 5.94 chains, corner 13, which is corner 6 of the William Johnson Tract (43), a point in the old Beck line; thence, N. 2-21 E. with old line 3.71 chains, corner 14, which is corner 6 of the William Bradley Tract (44), a rock on the S. E. bank of Toe String Creek, shown as his corner by William Bradley; thence, S. 34-02 E. with a line of the William Bradley Tract 22.76 chains, corner 15, a white oak with corner marks on top of Hughes Ridge, scribed B-1.B.; thence, with the meanders of Hughes Ridge; S. 33-28 W. 2.34 chains; S. 12-37 W. 1.47 chains, S. 36-49 W. 4.60 chains; S. 31-39 W. 2.17 chains; S. 28-15 W. 2.48 chains; S. 61-49 W. 6.05 chains; N. 74-15 W. 4.07 chains; S. 54-47 W. 3.19 chains; S. 76-36 W. 4.94 chains; S. 57-11 W. 3.56 chains corner 16, a post marked 37M.; thence, N. 39-30 W. 14.34 chains, corner 17, a 12" hickory at fence corner; thence, N. 7-57 E. 3.36 chains, corner 18, a dead chestnut at fence corner; thence, N. 85-47 W. 20.71 chains, corner 19, a sycamore stump on bank of Ocona Lufty River, and at old mouth of Toe String Creek; thence, up the river, with its meanders N. 31-52 E. 19.40 chains; N. 10-31 W. 6.86 chains the place of BEGINNING, containing 142.47 acres, excepting from the above tract the following described lands to-wit;

Exception I of the J. H. Beck (46)

Being the Toe String School Tract (111)

BEGINNING at corner 1, a large poplar on the West side of Toe

String Creek; thence S. 89-33 W. 3.75 chains, corner 2, a rock on the South side of the road; thence, S. 10-33 E. 1.38 chains, corner 3, a point on South side of the Creek; thence S. 65-00 E. 2.67 chains, corner 4, a point above the spring; thence, N. 24-00 E. 2.61 the place of BEGINNING, containing .60 acres, the same being tract No. 111 Toe String School Tract.

SIGNED, SEALED AND DELIVERED
in the presence of

}

J. A. Beck

(Seal)

(Seal)

(Seal)

(Seal)

STATE OF NORTH CAROLINA..... Buncombe..... COUNTY.

I, W. H. Woodbury, a Notary Public

in and for said County and State, do hereby certify that J. H. Beck (widower) personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Let the instrument and the certificate be registered.

Witness my hand and Notarial seal, this 29th day of January, A.D. 1930

W. H. Woodbury
Notary Public

My commission expires 1-14-1931.

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

The foregoing certificate..... of ~~Willie W. Wiggins~~ W. H. Woodbury

a Notary Public

of Swain County, is adjudged to be correct. Let the instrument and the certificate be registered.

This 29 day of January, A.D. 1930

U. A. Bibb
Clerk Superior Court

Clerk Superior Court

Warranty Deed

J. H. Beck (widower)

TO

THE STATE OF NORTH CAROLINA

Consideration - - \$ 8,000.00

Dated 24th day of Jan., 1930

Filed for registration on the 29

day of Jan., 1930, at 2:00

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

of the Register of Deeds for.....

Swain

County, North Carolina, on the 29

day of Jan., 1930 in Book

No. 58 of Deeds, at page 485

Ellis Bunnelle

Register of Deeds.

FEES.

TRACT NO. 46