

The lands embraced within the above tracts all lie at Smokemont and are a part of a tract originally belonging to H. J. Beck. They are in fact merely subdivisions of this tract as will be shown by the abstract of these tracts hereinafter set out. H. J. Beck died leaving a will in which he devised all of his land on the west side of the river to the children of his second wife. The lands so devised cover all of the above tracts except a small portion of Tract 32 which lies West of the Cathcart line.

The history of the titles to these tracts is practically the same down to and including the will from H. J. Beck and an attempted partition between the devisees of said Beck or those claiming under them.

The lands covered by these tracts are included either partly or wholly within the following grants, to wit:

Grant No.	1399	to John Fergus
" "	224	to William Cathcart
" "	237	to H. J. Beck
" "	15975	to T. J. Huskey
" "	417	to Isaac Bradley

Analysis of Title

Tract No. 47.

C. L. Beck---95.95 Acres.

This tract is covered by the following grants:

Grant No.	224	to	William Cathcart
"	"	1399	to John Fergus
"	"	237	to H. J. Beck

GRANT NO. 224.

1. Grant No. 224 was issued to William Cathcart on August 9, 1796, for a tract containing 33280 acres. This grant covers all of Tract No. 47. It is registered in Buncombe County in which county the lands were situated at the time of the issuance of this grant and is set out on page 169 of the Abstract of Title to Tract No. 11.

2. The title under this grant down to and including a deed dated November 7, 1840, from John Brown as Agent and Attorney in Fact for James Lattimore, Margaret Lattimore and Elizabeth Lattimore, Executors of George Lattimore, Deceased, to William H. Thomas. The several conveyances vesting the title to the lands covered by grant No. 224 in the said W. H. Thomas are set out in the Abstract of title to Tract No. 11, pages 169 to 182 inclusive.

3. The next conveyance we find of record for these lands is a deed from James R. Thomas, Administrator of William H. Thomas, Deceased, to H. J. Beck. This deed conveys a tract of 135 acres which covers all of tract 47 and also covers tracts 48, 39a, 101, 102, 103, 106, 107 and 108 and all of tract 32, lying within the Cathcart grant. The authority under which this deed was executed by said J. R. Thomas, as Administrator, is not of record in Swain County. It is, however, of record in Haywood or Jackson County and will be supplied for this abstract. The deed from J. R. Thomas, Administrator of William H. Thomas to H. J. Beck is set out on page 211 of the Abstract of title to Tract No. 11.

GRANT NO. 1399.

4. Grant No. 1399 was issued to John Fergus on December 11, 1804 for a tract of 200 acres. This grant covers a small portion of tract No. 47 at the northeast corner. This grant was issued while the lands embraced therein were included in Buncombe County and the grant is registered in that county and is set out on page 273 of the Abstract of title to Tract No. 39.

5. We do not find any conveyance of record from John Fergus to John Tomlinson covering this grant.

6. The next conveyance we have is a deed from John Tomlinson to Jesse Cornwell, dated February 25, 1807, conveying the lands described in grant 1399. This deed is recorded in Haywood County, and is set out on page 209, Abstract of Title Tract No. 33.

7. On December 30, 1808, Jesse Cornwell executed a deed to John Beck, conveying the southern half of grant No. 1399. This deed would cover the portion of Tract No. 32 embraced in Grant 1399, and also tract No. 39a, 102, 101 and part of tract No. 108. This deed is registered in Haywood County and is set out on page 209 of the Abstract of title to Tract No. 33.

8. By deed dated October 14, 1859, John Beck conveyed to Henry J. Beck a tract of land described as lying on both sides of the west fork of Ocona Luffy River and being the lands which he, John Beck, purchased from Jesse Cornwell. The description is the same as in the foregoing deed from Jesse Cornwell to John Beck, except that the third call in the deed as registered is omitted, evidently this was by mistake. The deed further contains an exception of two acres more or less to the Commissioners for the Thirty-Eighth District for common schools. This exception is described as lying at the north end of the tract including a school house for use of schools and for worship while the same is kept up, otherwise to be Henry J. Beck's. We do not find any deed covering this exception and doubtless the school referred to has long been discontinued.

#### GRANT NO. 237.

9. Grant No. 237 was issued to H. J. Beck on the 19th day of March, 1856. This grant is for a tract of 100 acres and covers a portion of Tract No. 37. However, as the lands covered by Grant No. 237 had already been granted to William Cathcart by a much older grant heretofore set out and as H. J. Beck had acquired title under grant 224, the title under No. 237 is not very material. This grant is registered in Swain County and is set out on page 10 of this Abstract.

10. H. J. Beck in whom the lands included in tract 47 had become vested together with the lands covered by tracts 32, 108, 101, 106, 103, 102, 39a and 107 died leaving a will dated January 4, 1899 and duly probated and recorded in the Office of the Clerk of the Superior Court of Swain County, in which he devised to the children of his second wife all of the land on the west side of Ocona Luffy River. This devise would include tract No. 47 and the other tracts above mentioned. This will is set out in full on page 213 of the Abstract of title to Tract No. 33.

11. The children of the second wife of said H. J. Beck to whom the above lands were devised are as follows:

Etta Maney wife of L.A.W. Maney  
Allen Beck  
H. Kimsey Beck  
Joseph Beck  
John Beck and Rufus Beck

12. Rufus H. Beck, one of the above named children, by deed dated April 12, 1902, conveyed to L.A.W. Maney his one-sixth interest in the lands allotted by H. J. Beck, Deceased, to the heirs of Mary Beck (second wife). This deed is recorded in Swain County, and is set out on page 11 of this Abstract.

13. Joseph H. Beck and wife, by deed dated \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, conveyed to H. Kinsey Beck his one-sixth interest in the lands devised to him by the foregoing will of his father, H. J. Beck. This deed is recorded in Swain County and is set out on page \_\_\_\_\_ of this Abstract.

14. Allen Beck, another of these children, conveyed his interest in the lands devised to him by his father, H. J. Beck, to John T. Beck, a brother. This deed has been lost and is not of record.

15. The above conveyances including the lost deed from Allen Beck to his brother, John T. Beck, would place the interest in the lands devised by H. J. Beck and the children of his second wife as follows:

2/3 interest in John T. Beck  
2/3 interest in H. Kinsey Beck  
2/3 interest in Etta Maney and husband L.A.W. Maney

The latter having acquired the title of Rufus H. Beck as above set out. At this point in the history of the title to this tract it was apparently considered that said John T. Beck and H. Kinsey Beck, each owned a one-third interest in said lands and that the other third was vested in the heirs at law of Etta Maney and their father, L.A.W. Maney. While this situation existed, it appears that the parties undertook and did make a division of the lands devised by H. J. Beck as set out in the will above mentioned and that the tract was divided into three equal parts, which were referred to in the subsequent deeds as lots Nos. 1, 2 and 3. Lot No. 1 apparently was set off to John T. Beck and included the southern portion of the H. J. Beck lands allotted to the children of his second wife and Lot No. 2 adjoining it on the north was allotted to L.A.W. Maney and the heirs of Etta Maney, and Lot No. 3 included the northern portion of the tract and was allotted to H. Kinsey Beck. No deeds, however, were exchanged between them as tenants in common and there is no record of any partition proceeding. Subsequent, however, to this attempted division, each of them apparently had possession of his individual tract which was allotted to him and make conveyances of the tract as if fully owned by him in fee simple.

Tracts Nos. 47 and 48 cover Lot No. 1, which was attempted to be set off to John T. Beck.

16. John T. Beck by deed dated March 13, 1903, then conveyed to S. L. Beck a tract of land containing 103 acres, which covers and includes that portion of the H. J. Beck land devised to the children of his second wife and covered by Lot No. 1 of the

attempted division made between John T. Beck, L.A.W. Maney and children and H. Kimsey Beck. This deed is recorded in Swain County and is set out on page 17 of this Abstract.

17. S. L. Beck died sometime prior to September 10, 1915 and left surviving him the following widow and children as his only heirs at law, to wit:

C. P. Beck, widow  
M. V. Connor (husband J. L. Connor)  
H. B. Beck  
H.A. Sutton (husband L. V. Sutton)  
M. L. Beck  
B. B. Loftis (husband M. A. Loftis)  
H. C. Beck  
Elmira Ayers (husband J. M. Ayers)  
A. L. Beck

18. By deed dated September 10, 1915, J. L. Connor and wife, M. V. Connor, H. B. Beck, L. V. Sutton and wife, H. A. Sutton, M. L. Beck, A. L. Beck, C. P. Beck, M. A. Loftis and wife, B. B. Loftis conveyed to H. C. Beck the same tract of land containing 103 acres, the deed describing the interest conveyed by each as a one-ninth undivided interest. This deed was probably made upon the assumption that the widow was entitled to a child's part in the lands instead of dower for and during her natural life. The interest actually owned by each of the children of S. L. Beck being eight in all was a one-eighth undivided interest subject to their mother's dower right. This deed is recorded in Book 44, page 26 records of deeds of Swain County, but as so recorded fails to show the acknowledgment of the deed by H. J. Beck, M. L. Beck, A. L. Beck and C. P. Beck, the deed, however, having been signed by all of them. This deed, however, was re-recorded upon a further certificate made by W. M. Bradley, a Justice of the Peace, who took the acknowledgments of all the grantors and his affidavit as to the names of the above parties is set out in the Abstract, page 13.

19. J. M. Ayers and wife, Elmira Ayers, by deed dated December 23, 1909, also conveyed to H. C. Beck all of their interest, designated as a one-ninth interest in the same tract of 103 acres. Elmira Ayers was one of the heirs at law of S. L. Beck and H. C. Beck, the grantee in the foregoing deeds also held an interest in this tract as an heir at law. This deed is recorded in Swain County. Page 15 of this Abstract.

#### DEEDS IN TRUST

20. On January 15, 1917, Cling Beck and wife, Nannie Beck executed to S. W. Black, Trustee for W. C. Mendenhall, a deed in trust to secure an indebtedness of \$875.00, which matured October 1, 1917. This deed in trust covers the 103 acre tract embraced in Tract 47. It is recorded in Swain County, see page 16 of this Abstract.

21. On the same date towit, January 15, 1917, Cling Beck and wife, Nannie Beck, executed a deed in trust to S. W. Black, Trustee for W. C. Mendenhall to secure an indebtedness of \$750.00, which matured September 1, 1917. This deed in trust covers the same tract of land of 103 acres. It is registered in Swain Co. Page 17 of this Abstract.

22. H. C. Beck and wife, Nannie Beck, executed a further deed in trust dated April 2, 1924 to J. S. Connor, Trustee for D. F. Connor, to secure an indebtedness of \$450.00, maturing August 2, 1924. This deed in trust is registered in Swain County. Page 18 of this Abstract.

23. H. C. Beck and wife, Nannie Beck, also executed to J. S. Connor, Trustee for J. L. Connor, deed in trust dated July 14, 1924 to secure an indebtedness of \$214.00, which matured July 14, 1925. This deed in trust is registered in Swain County. Page 19 of this Abstract.

24. H. C. Beck and wife, Nannie Beck, by deed dated March 14, 1917 conveyed to Champion Fibre Company a thirty foot right of way through and over the lands owned by the S. L. Beck heirs upon which the said H. C. Beck now lives upon the west side of the Ocona Luffy River. This deed is registered in Swain County. Page 20 of this Abstract.

Tract No. 47.

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.....

C. L. Beck--95.95 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 was a part of a tract belonging to H. J. Beck at the time of his death and which was devised by him to the children of his second wife by will dated January 4, 1899, (Abstract title tract 33, page 213). The children of his second wife, who took under this devise were as follows: Etta Maney, (wife of L.A.W. Maney, Allen Beck, H. Kimsey Beck, Joseph Beck, John Beck and Rufus H. Beck.

Rufus H. Beck conveyed his one-sixth interest to L.A.W. Maney, Abstract page \_\_\_\_\_. Joseph Beck conveyed his one-sixth interest to H. Kimsey Beck (Abstract page \_\_\_\_). Allen Beck is claimed to have executed a deed to John T. Beck conveying his one-sixth interest, but the deed is not recorded and is lost.

John T. Beck and H. Kimsey Beck, who each claim to own a one-third interest and L.A.W. Maney and the heirs of Etta Maney claiming the other one-third interest jointly, undertook to partition the tract and it was divided into three lots Nos. 1, 2 and 3.

Lot No. 1 was set apart to John T. Beck

Lot No. 2 was set apart to L.A.W. Maney

and the three heirs of Etta Maney

Lot No. 3 was set apart to H. Kimsey Beck

But no partition deeds were exchanged between the parties for their respective lots and there is no record of any partition by court proceeding.

Lot No. 1 was conveyed by John T. Beck to S. L. Beck. The latter died and his heirs conveyed Lot No. 1 to H. C. Beck, the present claimant

To cure the defects in the record title to this tract it will be necessary to secure quit claim deeds from the following persons, to wit:

(a) L.A.W. Maney and the heirs of  
Etta Maney, Deceased.

(b) Allen Beck

(c) H. Kimsey Beck

This.....day of.....19.....

This August 30, 1929.

Attorney.

3. Subject to the following Deeds in Trust:

- (a) Cling Beck and wife, Nannie Beck to S. W. Black, Trustee, to W. C. Mendenhall, dated January 15, 1917 and registered in Book 10, page 422, to secure \$875.00
- (b) Cling Beck and wife, Nannie Beck, to S. W. Black, Trustee for W. C. Mendenhall, dated January 15, 1917, registered in Book 10, page 394, to secure an indebtedness of \$750.00.
- (c) H. C. Beck and wife, Nannie Beck to J. S. Connor, Trustee for D. F. Connor, dated April 2, 1924, registered in Book 14, page 223 to secure an indebtedness of \$450.00.
- (d) H. C. Beck and wife, Nannie Beck, to J. S. Connor, Trustee for J. L. Connor dated July 14, 1924, registered in Book 14, page 257 to secure an indebtedness of \$214.00.

4. Subject to deed from H. C. Beck and wife, Nannie Beck, dated March 4, 1907 to Champion Fibre Company for a 30' right of way.



# DESCRIPTION OF THE BOUNDARY

## OF THE

### C.L. BECK TRACT (47)

Lying on the West side of Ocona Lufty River, about one mile below Smokemont.

Beginning at Corner 1, which is Corner 15 of the Champion Fibre Company Tract (1-e), a planted stone in the Cathcart line, beside a 6" poplar, blazed and scribed B. T. W.W. Cor. 9,

Thence, S. 50-10 W.

With a line of the Champion Fibre Co. Tract (1-e).

20.44 Corner 2, which is Corner 1 of the Champion Fibre Co. Tract (1-e), a 30" White Oak with old marks and witnesses, on top of divide between Couch's Creek and the river, and in the Cathcart Line, blazed and scribed S. B. Cor.2.

Thence, Down the ridge with its meanders, following the lines, respectively, of the Champion Fibre Co. Tract (1-f), the W. W. Rogers Tract (52), and the Galloway Treadaway Tract (49).

S. 69-10 E.

1.42 A Point.

S. 81-21 E.

4.57 A Point.

S. 56-35 E.

3.24 A Point.

S. 63-15 E.

3.97 A Point.

S. 72-57 E.

3.07 A Point.

S. 57-01 E.

4.28 A Point.

S. 58-21 E.

1.88 A Point.

S. 53-38 E.

3.92 A Point on ridge top, a corner common to Champion Fibre Co. and W. W. Rogers.

S. 50-04 E.

*in place of old hickory*

3.26 A Chestnut Stake, a corner common to W.W. Rogers and Calloway Treadaway.

N. 88-56 E.

.78 A Point.

N. 87-25 E.

3.11 A Point.

N. 78-12 E.

4.01 A Point.

N. 89-29 E.

2.07 A Point.

S. 70-06 E.

4.64 A Point.

S. 61-41 E.

.91 A Point.

S. 64-53 E.

2.19 Corner 3, a stake scribed **Cor.** No. V.

Thence, N. 58-20 E.

15.85 Corner 4, a planted stone.

Thence, N. 31-13 E.

3.06 Corner 5, a 10" poplar stump on bank of a branch, scribed Cor. NO. III.

Thence, down the branch with its meanders.

S. 89-14 E.

1.75 A Point.

S. 48-04 E.

2.04 A Point.

S. 82-16 E.

2.05 A Point.

S. 80-32 E.

- 1.97 Corner 6, a planted stone in forks of branch and in old line.

A 6" birch, blazed and scribed B.T.M.C.11, bears N. 51-30 W. .16 chain distant.

Thence, N. 43-03 E.

- 12.28 Corner 7, a locust with corner marks, on the south bank of Ocona Lufty River, at the mouth of a small stream.

Thence, N. 44-51 W.

With the river, a line of the L.A.W.Maney Tract (33).

- 11.06 Corner 8, which is corner 14 of the J. W. Wilson Tract (32), a stone in Ocona Lufty River.

Thence, with five lines of the J. W. Wilson Tract (32).

S. 51-03 W.

- 9.73 Corner 9, a stake in a branch, in place of a birch.

S. 73-38 W.

- 4.23 Corner 10, a point.

S. 58-21 W.

- 4.47 Corner 11, a 6" dogwood at the head of a branch, scribed W.W. Cor XI.

An 8" dogwood, scribed B.T. Cor. XI, bears N. 15-00 W. .06 chain distant.

N. 85-00 W.

- 24.34 Corner 12, a stake with witnesses, scribed W.W. 10.

A chestnut scribed B.T.W.W. 10, bears S. 75-30 W. .12 chain distant.

N. 49-18 W.

- 14.57 The place of beginning, containing 95.95 acres.

May 13, 1930.

REPORT ON THE C. L. BECK TRACT - NO. 47, OWNED BY H. C. BECK, 95.95 ACRES.

LOCATION: This tract is located on the Oona Luffy River, near Smokemont, and adjoins the lands of other small property owners in that section.

DESCRIPTION: A mountain farm, largely steep land, the woodland having been cut over. The farm is productive, and the buildings are in good shape.

Included in this transaction is a small lot on which is a building, having been built for a restaurant, at Smokemont.

IMPROVEMENTS: Improvements are a four-room box house, an eight-stall barn, shed, crib and restaurant, together with considerable fencing.

<u>VALUATION:</u>	Restaurant lot and building	\$100.00
	Dwelling house	300.00
	Barn, crib and shed	200.00
	51 acres of woodland	660.00
	45 acres cultivated land	1140.00
		<u>\$2400.00</u>

An option has been taken on this property for the sum of \$2400.00

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

May 24, 1930.

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

Dear Mr. Wiggins:

In compliance with your request over the telephone this morning, I am enclosing herewith a check (No. 243C) for \$2,400.00, payable to H. C. Beck and wife, which is in full of the purchase price for their land in the Park area.

Very truly yours,

H. K. Sanders.

HKS

Encl.

# ABSTRACT OF DEED OR GRANT

	In Preamble	As Signed	As Acknowledged
Grantors	J. M. Beck	his J.M. X Beck mark	J. M. Beck
Grantees	H. K. Beck		

1. Kind of Conveyance Warranty Deed
3. Is it properly executed yes
5. Before what Officer acknowledged J. P.
7. If irregular, copy in full on back
9. Date of acknowledgment Feb. 13, 1902
11. Did officer affix Seal yes
13. Does conveyance contain covenants—
  - (a) of seizin yes
  - (b) power to convey yes
  - (c) against encumbrances yes
  - (d) against claims of all others yes
2. Date of Conveyance Feb. 13, 1902
4. Date of Entry and No.
6. Acknowledgments, regular yes
8. Did all grantors acknowledge yes
10. Was privity examination of wife taken no
12. Was order of probate correct yes
14. Date of filing for record March 27, 1902
15. Book 24 Page 168  
for Swain County.
16. Does deed contain any special limitations, provisions or restrictions
17. Habendum clause (Quote fully) To have and to hold the aforesaid tract and all privileges and appurtenances thereto belonging to the said H. K. Beck his heirs and assigns to their only use and behoof forever.

## Exact Description of Property

"A certain tract or parcel of land in Ocona Luffy Township Swain County of North Carolina adjoining the lands of J. H. Conner and T. J. Huskey and tohers the same being my undivided interest in the land willed to Mary Beck whole tracr containing 200 acres more or less."

# ABSTRACT OF DEED OR GRANT

In Preamble

As Signed

As Acknowledged

Grantors  
Grantees

J. M. Ayers and  
wife Elmira Ayers

J. M. Ayers  
her  
Elmira X Ayers  
mark

J. M. Ayers  
Elmira Ayers

H. C. Beck

1. Kind of Conveyance Warranty Deed
2. Date of Conveyance Dec. 23, 1909
3. Is it properly executed
4. Date of Entry and No.
5. Before what Officer acknowledged J. P.
6. Acknowledgments, regular yes
7. If irregular, copy in full on back
8. Did all grantors acknowledge yes
9. Date of acknowledgment Dec. 23, 1909
10. Was privy examination of wife taken yes
11. Did officer affix Seal yes
12. Was order of probate correct yes
13. Does conveyance contain covenants—
14. Date of filing for record Dec. 9, 1916
- (a) of seizin yes
15. Book 42 Page 387
- (b) power to convey yes for Swain County.
- (c) against encumbrances yes
16. Does deed contain any special limitations, provisions or restrictions
- (d) against claims of all others yes
17. Habendum clause (Quote fully) To have and to hold the aforesaid tract or pa reel of land and all privileges and appurtenances thereto belonging to the said H. C. Beck his heirs and assigns to his only use and behoof forever.

## Exact Description of Property

"BEGINNING on a rock in the river and runs 49 West 41 poles to a birch on the bank of a small branch; then South 76 West 18 poles to a locust in a branch; then South 57 West 19 poles to a dogwood at the head of a small branch; then South ( North ) 85 West 80 poles to a stake near a branch; then North 40 West 80 poles to a stake in the Cathcart line; then South 49 West 80 poles to a white oak on the top of the mountain divides Couches Creek and Luffy River; then South 70 East 54 poles to a forked chestnut on the top of said mountain; then South 62 East 64 poles to a hickory on top of said mountain; then North 80 East 41 poles to a chestnut oak on top of said mountain; then South 70 East 25 poles to a spanish oak on top of said mountain; then South 50 East 47 poles to a pine near the top of said mountain; then North 43 East 142 poles to a locust on the bank of Luffy River; then North 35 West 14 poles to a rock in the middle of the river; then North 47 West to the BEGINNING, containing 103 acres more or less.

Conveys one-ninth interest in the above described tract of land.

# JUDICIAL PROCEEDINGS

1. Proceedings in all courts affecting the title of the lands abstracted must be set forth and attached hereto in chronological order, and in such detail as will show all jurisdictional facts averred in the proceedings, proper parties, sufficient service to bring all necessary parties into court, all orders and decrees up to and including confirmation of sale.

2. When minors, insane persons or any other persons for whom a guardian *ad litem*, committee and such like are required to be appointed, are interested, the appointment and acceptance must be shown; it must appear that all statutory requirements have been complied with. Give names of all plaintiffs and defendants.

H. K. Beck vs

John Beck, Lee Maney and  
Lee Maney Guardian ad-  
litem of Mary Maney,  
Hanes Maney and Flora  
Maney.

1. Court \_\_\_\_\_ County \_\_\_\_\_  
2. Kind of action Superior Swain  
3. Date of filing Petition Proceeding  
4. Date of filing July 9, 1902  
5. Judgment recorded in Book \_\_\_\_\_ Page \_\_\_\_\_  
No. I 150-154

## PROCEEDINGS

### The petition is as follows:

To the Superior Court of Swain County your petitioners complains and alleges

FIRST. That the above named plaintiff and defendants are tenants in common and in the possession of the following described lands lying and being in the County and State aforesaid adjoining the lands of Thos. Huskies, Mark Jenkins et al and on the West side of Osona Luffy River containing 225 acres more or less being apart of the Jackson Beck estate.

SECOND. That the interest of the parties to this action in said land as individuals is as follows to wit. That H. K. Beck is entitled to 1/6 part, John Beck to 1/6 interest, Lee Maney 1/6 part, Mary Maney, Hanes Maney and Flora Maney to 1/8 part each.

THIRD. That Mary Maney, Hanes Maney and Flora Maney are minor heirs without a guardian.

FOURTH. That the said parties to this petition desire to hold their several interests in said land and the proceeds thereof inseverally. Wherefore your petitioner prays, that three commissioners be appointed by the court to allot to each of the parties to this proceeding the shares in said land, that each are entitled to and if an equal division cannot be made otherwise than to charge the more valuable shares with such sums as they shall judge and proper to be paid to those parties who receive shares of lesser value in order to make the division equal and to report their proceedings under their bonds and seals as soon practicable to this court.

This July 9, 1902.

(Signed) Bryson and Black  
ATTORNEYS FOR PETITIONERS.



Order of Clerk.

After the hearing the petition filed in the above entitled action, it is ordered by the Court, that W. H. Queen, C. A. Chambers and Dock Conner be and they are hereby appointed Commissioners to divide the lands described in the said petition as set out therein and to allot to each the share he or she may be entitled to in the said land and if equal shares cannot be made by dividing the lands, then the said Commissioners are to charge the more valuable dividends with such sums of money as they shall deem necessary to be paid to those shares of inferior value in order to make an equitable partition. Said Commissioners shall meet on the premises at the time summoned by the Sheriff and after having been sworn by a Justice of the Peace or other lawfully authorized officer, shall divide the said lands. The Commissioners are empowered to employ the County Surveyor or in his absence some other surveyor who shall make out a map of the premises, showing the quantity courses and distances of each share which map shall accompany and form a part of their report and the said Commissioners shall within sixty days of the notification of their appointment make a full report of their proceedings under their hands or the hands of any two of them specifying therein the manner of executing their trust and describing particularly the land or parcel of land divided and the same allotted to each tenant with the sum charged on the more valuable shares and to whom paid.

This the 12th day of July 1902.

(Signed) A. J. Hall  
CLERK OF SUPERIOR COURT.

Report of Commissioners is as follows:

To A. J. Hall Clerk of the Superior Court of Swain County Obedient to a summons of the Sheriff of Swain County we the undersigned Commissioners appointed to divide and allot in severalty the lands of the petitioners in this cause containing 241 acres assembled on the premises in Ocona Luffy Township, Swain County on the 16th day of July 1902 and proceeded to partition the said lands among the said tenants in common according to their respective rights and interest therein and the following is our report of the same. We have equalized and assigned to John T. Beck one hundred and three acres being No. 1 on the map and bounded as follows: BEGINNING on a white oak on top of the mountain between Ocona Luffy and Couches Creek and runs South 70 East 54 poles to a double on said mountain; then South 62 East 64 poles to a hickory on said mountain; then North 80 East 41 poles to a chestnut oak on top of said mountain; then South 70 East 25 to a spanish oak on said mountain; thence South 50 East 47 poles to a pine near top of said mountain; then North 43 East 142 poles to a small locust on the West side of Luffy River; thence North 35 West 14 poles to a rock in middle of the river; thence North 47 West 30 to a rock in middle of river; thence South 49 West 41 poles to a birch in branch; thence South 76 West 18 poles to a dogwood; then South 57 West 19 poles to a dogwood; thence South 85 West 80 poles to a stake near a banch; then North 40 East 90 poles to a stake in the Cathcart line; thence South 42 West 80 poles to the BEGINNING, this being lot No. 1 on the map.

Second we assign 82 acres to Lee Maney, May Maney, Hanes Maney and Flora Maney this being 1/3 in value of whole tract and bounded as: BEGINNING on a rock in the middle of the river and runs South 49 West 41 poles to a birch in the branch; then South 76 West 18 poles to a dogwood in said branch; then South 57 West 19 poles to a dogwood in the branch; thence South 85 West 80 poles to a stake near a bench; then North 40 East 90 poles to a stake in the Cathcart line; then North 49 East 40 poles to a stake; thence South 46 East 69 poles to a stake; then North 49 East 119 poles to a sycamore in edge of old field thence South 70 East 35 poles to a stake near a spring; then South 2 poles and 18 links to a sycamore near a branch; thence North 80 East 12 poles to a chestnut on bank of river; then South 10 East 40 poles to the BEGINNING, this being No. 2 on map.

Third we assign to H. K. Beck 56 acres being 1/6 th inequality and bounded as follows: BEGINNING on a lynn in the Cathcart line and runs South 49 West 100 poles to a stake in said line; then South 46 East 39 poles to a stake; then North 49 East 119 poles to a sycamore in edge of old field; then South 70 East 35 poles to a stake near a spring; then South 2 poles and 15 links to a sycamore near a branch; then North 80 East 12 poles to a chestnut West bank of the river; thence North 5 West 22 poles to a rack in said river; then West 68 poles to a chestnut old corner; then South 21 1/2 poles to a stake near a branch;

then North 58 West 24 poles to the BEGINNING. This being No. 3 on map and further more that the pleasant growing crops on each are assigned with each in severalty and that the aforesaid names have right of way as road now runs above spring through H. K. Beck's tract to said Beck's road and then with it to the river, respectfully submitted.

This 18th day of July 1902.

(Signed) W. H. Queen  
J. A. Chambers  
D. F. Conner

Commissioners.

It appearing to the Court that W. H. Queen and J. A. Chambers and D. F. Conner Commissioners heretofore appointed by the Court to divide the lands described in the petition in this cause among the tenants in common therein named and allot to each his share in severalty filed their report in this Court on the 18th day of July 1902 and no objection being filed by the parties within the twenty days allowed by law from the filing said report: It is therefore declared by the Court that the said report be and the same is hereby in all respects confirmed and it is further ordered that the said report and the plat appended be enrolled in the records of this Court and the same together with this decree be certified to the register of deeds for Swain County to the end that he may record the same in his office the said decree is hereby adjudged to be binding between the said tenants in common their heirs and assigns.

It is also adjudged that the cost of this proceeding be paid by the parties as follows: H. K. Beck \$3.35, John Beck \$10.07, Lee Maney \$3.35, May Maney Est \$1.39 this 28 October 1902.

This 28th day of October 1902.

(Signed) A. J. Hall  
CLERK SUPERIOR COURT.

The order and proceedings of A. J. Hall Clerk of the Superior Court of Swain County is hereby in all things confirmed.

Oct. 28, 1902.

(Signed) M. A. Justice  
Judge presiding and holding Courts  
of the 16th district.

# ABSTRACT OF MORTGAGE

(NORTH CAROLINA)

H.C. Beck and wife  
Nannie Beck

Mortgagor

to

J. S. Connor

Mortgagee

J. L. Connor

1. Kind of instrument... Deed of Trust
2. Date of instrument... 7-14-24
3. Consideration \$ 214.00
4. Maturity date 7-14-25
5. Is it properly executed? Yes
6. Date acknowledged 10-1-24
7. Before what officer acknowledged? J.P.
8. Was privy examination of wife held? Yes
9. Date of filing for record 10-3-24
10. Recorded in Book 14 Page 257  
for Swain County.
11. Does this instrument form a link in the chain of title? Yes

NOTE:—In deeds of trust give name of  
third party.

## DESCRIPTION OF PROPERTY

BEGINNING on a rock in the river and runs 49 W. 41 poles to a birch on bank of a small branch; thence S. 76 W. 18 poles to a locust in a branch; thence S. 57 W. 19 poles to a dogwood at the head of a small branch; thence 85 W. 80 poles to a stake near a beech; thence N. 40 W. 80 poles to a stake in the Cathcart line; thence S. 49 W. 80 poles to a W.O. on top of a mountain that divides Couches Creek and Luffy River; thence S. 70 E. 54 poles to a forked chestnut on top of mountain; thence S. 62 E. 64 poles to a hickory on said mountain; thence N. 80 E. 41 poles to a chestnut oak on top of said mountain; thence S. 70 E. 25 poles to spanish oak on top of said mountain; thence S. 50 E. 47 poles to a pine near the top of said mountain; thence N. 43 E. 142 poles to a locust on the bank of Luffy River; thence N. 35 W. 14 poles to a rock in middle of the river; thence N. 47 W. to the BEGINNING;

Containing 103 acres more or less, being one-ninth undivided interest.

# ABSTRACT OF MORTGAGE

(NORTH CAROLINA)

H. C. Beck and wife

Nannie Beck

Mortgagor

to

J. S. Connor

Mortgagee

D. F. Connor

NOTE:—In deeds of trust give name of  
third party.

1. Kind of instrument Deed of Trust
2. Date of instrument 4-2-24
3. Consideration \$ 450.00
4. Maturity date 8-2-24
5. Is it properly executed? Yes
6. Date acknowledged 4-2-24
7. Before what officer acknowledged? J.P.
8. Was privy examination of wife held? Yes
9. Date of filing for record 6-26-24
10. Recorded in Book 14 Page 223  
for Swain County.
11. Does this instrument form a link in the chain of title? Yes

## DESCRIPTION OF PROPERTY

BEGINNING on a rock in the river and runs 49 W. 41 poles to a birch on bank of a small branch; thence S. 76 W. 18 poles to a locust in a branch; thence S. 57 W. 19 poles to a dogwood at the head of a small branch; thence 85 W. 80 poles to a stake near a beech; thence N. 40 W. 80 poles to a stake in the Cathcart line; thence S. 49 W. 80 poles to a W.O. on top of a mountain that divides Couches Creek and Luffy River; thence S. 70 E. 54 poles to a forked chestnut on top of mountain; thence S. 62 E. 64 poles to a hickory on said mountain; thence N. 80 E. 41 poles to a chestnut oak on top of said mountain; thence S. 70 E. 25 poles to spanish oak on top of said mountain; thence S. 50 E. 47 poles to a pine near the top of said mountain; thence N. 43 E. 142 poles to a locust on the bank of Luffy River; thence N. 35 W. 14 poles to a rock in middle of the river; thence N. 47 W. to the BEGINNING;

Containing 103 acres more or less, being one-ninth undivided interest.

Swain

COUNTY. }

THIS DEED, Made this 13th day of May A.D. 1930, by and between

H. C. Beck and wife, N. L. 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-FOUR HUNDRED DOLLARS----- (\$ 2400.00 ) 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. 47.

Parcel No. 1: Lying on the West side of Ocona Lufly River, about one mile below Smokemont.

BEGINNING at Corner 1, thence South 50-10 West with a line of the Champion Fibre Company Tract (1-e) 20.44 chains, Corner 2; thence, down the ridge with its meanders following the lines respectively of the Champion Fibre Co. Tract (1-f), the W. W. Rogers Tract (52) and the Calloway Treadaway Tract (49) South 69-10 East 1.42 chains; South 81-21 East 4.57 chains; South 56-35 East 3.24 chains; South 63-15 East 3.97 chains; South 72-57 East 3.07 chains; South 57-01 East 4.28 chains; South 58-21 East 1.88 chains; South 53-38 East 3.92 chains, a point on ridge top, a corner common to Champion Fibre Co. and W. W. Rogers South 50-04 East 3.26 chains; North 88-56 East .78 chains; North 87-25 East 3.11 chains; North 78-12 East 4.01 chains; North 89-29 East 2.07 chains; South 70-06 East 4.64 chains; South 61-41 East .91 chains; South 64-53 East 2.19 chains, corner 3 thence, North 58-20 East 15.85 chains, corner 4; thence North 31-13 East 3.06 chains, corner 5; thence down the branch with its meanders South 89-14 East 1.75 chains; South 48-04 East 2.04 chains; South 82-16 East 2.05 chains; South 80-32 East 1.97 chains; corner 6; thence North 43-03 East 12.28 chains, Corner 7; thence North 44-51 West with the river, a line of the L.A.W. Maney Tract (33) 11.06 chains, corner 8; thence with five lines of the J. W. Wilson Tract (32) South 51-03 West 9.73 chains, corner 9; South 73-38 West 4.23 chains, Corner 10 South 58-21 West 4.47 chains corner 11; North 85-00 West 24.34 chains, corner 12; North 49-18 West 14.57 chains, the place of BEGINNING, containing 95.95 acres.

Parcel No. 2: Being a tract of land described in a deed from Walter Beck and wife, May Beck dated October 30, 1926 and registered in Book 55, page 328, records of Swain County, North Carolina, on September 7, 1928 and more particularly described as follows:

BEGINNING on a stake at the mouth of the ditch; thence up the ditch with George Beck's line 63 feet to the center of the Ocona Lufly railroad; thence South 10 East with the center of Ocona Lufly Railroad 101 feet; thence East 70 feet to Ocona Lufly River; thence up the Ocona Lufly River with its meanders to the BEGINNING, containing 1/20th acre.

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

SIGNED, SEALED AND DELIVERED  
in the presence of

H. C. Beck (Seal)  
N. L. Beck (Seal)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (Seal)

STATE OF NORTH CAROLINA Swain COUNTY.

I, Will W. Wiggins, a Notary Public

do hereby certify that H. C. Beck

and N. L. Beck

his wife, personally appeared before me this day and acknowledged the due execution of the foregoing instrument; and the said N. L. 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 Natural seal this 17th day of May, A.D. 1930.

Will W. Wiggins  
Notary Public.

My commission expires December 19, 1930.

# Warranty Deed

H. C. Beck and wife

TO

THE STATE OF NORTH CAROLINA

Consideration - - - \$2400.00

Dated 13th day of May, 1930

Filed for registration on the 27

day of May, 1930, at 5:00

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

of the Register of Deeds for

Swain

County, North Carolina, on the 30th

day of May, 1930, in Book

No. 58 of Deeds, at page 521

Ellis Burnett

Register of Deeds.

STATE OF NORTH CAROLINA  
The foregoing certificate of  
Swain County, adjudged to be correct. Let the instrument and the  
be registered.  
This 27 day of May A.D. 1930

VA Browning Clerk

Willie C. Burgess