

DESCRIPTION OF THE BOUNDARY
OF THE
W. C. CALDWELL TRACT (61)

Lying on the lower end of Hughes Ridge, near the head of a small tributary of Raven's Fork of Ocona ~~Lufty~~ River.

Beginning at Corner 1, which is Corner 8 of the H. N. Connor and J. Nations Tract (60), a black oak stump on ridge top

Set a sassafras post scribed Q-C-C.

Thence, S. 41-20 E.

With a line of the Connor and Nations Tract.

8.20 Corner 2, which is Corner 14 of the John Smith Heirs Tract (64), a point on bank of stream, and at corner of garden.

Thence. S. 40-12 W.

2990 Corner 3, a white oak stump, on bank of branch, a corner common to the John Smith Heirs, J. Nations and H. N. Connor Tracts.

Thence, N. 70-00 W.

8.70 Corner 4, a point with a chestnut oak, witness on ridge top.

Set a post scribed N-C-Q.

Thence, N. 34-30 E.

5.11 Corner 5, a red oak stump, on ridge top.

Thence, N. 55-26 E.

2.35 The place of beginning, containing 4.45 acres.

Analysis of title

Tract No. 61.

1. Tract No. 61 is covered by Deed No. 224 to William Cathcart. The title thereto passed by mesne conveyances to W. H. Thomas as will appear by reference to Abstract of Tract No. 11, pages 169 to 182 inclusive.

2. On November 1, 1889, James R. Thomas, as Guardian of William H. Thomas conveyed to A. Nations a tract of land containing forty-four and one-half acres which embraces the whole of Tract No. 61. This deed is duly executed and is registered in Swain County. Page 633 of Abstract.

3. The western portion of Tract No. 61 is covered by a deed from John Mingus and wife to A. Nations, dated January 6, 1882. This deed is duly executed and is registered in Swain County. Page 647 of Abstract.

4. On May 11, 1903, Alfred Nations conveyed to R. V. Nations a tract of land containing thirty-three acres which embraces the western portion of tract No. 61. This deed is duly executed and is registered in Swain County. Page 648 of Abstract.

5. On July 1, 1903, Jane Parker and husband, Dan Parker Minnie Smith and husband John Smith, being heirs at law of A. Nations conveyed to R. V. Nations, another heir at law of A. Nations, two tracts of land aggregating thirty-four acres. The second tract includes a portion of Tract No. 61, being the eastern portion thereof. This deed is duly executed and is registered in Swain County. Page 634 of Abstract.

6. On February 20, 1907, R. V. Nations and wife Laura conveyed to H. A. Smith a tract of land which includes the whole of Tract No. 61. This deed is duly executed and registered in Swain County. Page 636 of Abstract.

7. On January 15, 1912, H. A. Smith and wife S. E. Smith conveyed to J. M. Smith a tract of land which includes the whole of Tract No. 61, by deed duly executed and registered in Swain County. Page 637 of Abstract.

8. On May 12, 1919, J. M. Smith and wife conveyed to George W. Collier a tract of land containing six acres, which embraces Tract No. 61. This deed is duly executed and registered in Swain County. Page 649 of Abstract.

9. On May 13, 1920, George Collier and wife Sophie conveyed to Daniel Parker the six acre tract above referred to by deed duly executed and registered in Swain County. Page 650 of Abstract.

10. On March 28, 1921, Daniel Parker and wife conveyed the six acre tract to W. C. Caldwell by deed duly executed and registered in Swain County. Page 65-1 of Abstract.

ABSTRACT OF DEED OR GRANT

	In Preamble	As Signed	As Acknowledged
Grantors	John Miniger & wife Mary Miniger	✓	✓
Grantees	Alfred Nations		

1. Kind of Conveyance Deed
 3. Is it properly executed J.P.
 5. Before what Officer acknowledged
 7. If irregular, copy in full on back
 9. Date of acknowledgment 12-25-85
 11. Did officer affix Seal
 13. Does conveyance contain covenants—
 (a) of seizin No
 (b) power to convey No
 (c) against encumbrances No
 (d) against claims of all others Yes

2. Date of Conveyance 1-4-82
 4. Date of Entry and No.
 6. Acknowledgments, regular ✓
 8. Did all grantors acknowledge Yes
 10. Was privy examination of wife taken
 12. Was order of probate correct
 14. Date of filing for record 2-28-70
 15. Book 11 Page 304
 for Alfred County.

16. Does deed contain any special limitations, provisions or restrictions

17. Habendum clause (Quote fully)
 To have & to hold said land & premises
 all & singular the tenements appurtenances
 & hereditaments to either both all privy & appurtenances
~~or in~~ or may were appertaining thereto to him the said Alfred
 Nations his heirs & assigns to their own proper uses & by a few
 single forever
 Exact Description of Property

on waters of the Hughes branch on East side
 of Hughes ridge being part of entry granted to John Miniger
 begin on John Miniger B & C corner on top of ridge
 about 2 P East of said Miniger locust corner runs S 85
 E less or more 21 with the Hughes entry to top of the
 Hughes ridge thence a S.W. direction with the
 top of the Hughes ridge 40 P less or more to the head
 of the ridge thence in a S.E. direction with the top
 of said ridge to the begin Cont 15 acres

ABSTRACT OF DEED OR GRANT

Grantors

Grantees

In Preamble

As Signed

As Acknowledged

A. Nations	✓	✓
R. V. Nations		

1. Kind of Conveyance Deed
 3. Is it properly executed JP
 5. Before what Officer acknowledged JP
 7. If irregular, copy in full on back
 9. Date of acknowledgment 5-13-03
 11. Did officer affix Seal
 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 5-11-03
 4. Date of Entry and No.
 6. Acknowledgments, regular yes
 8. Did all grantors acknowledge yes
 10. Was privy examination of wife taken no
 12. Was order of probate correct yes
 14. Date of filing for record 7-27-03
 15. Book 24 Page 447
 for Swan County.
 16. Does deed contain any special limitations, provisions
 or restrictions

17. Habendum clause (Quote fully) To have & to hold the aforesaid tract of land & all rights & appurtenances thereto belonging to the said R. V. Nations his heirs & assigns to him & their only behoof

Exact Description of Property

Begin on a red oak on a ridge A Nation + A Munger corner + runs S 80 P to a st. on top of ridge Then N 20 E 20 P to a rock on point of ridge Then N 85 E 20 P to rock on E side of branch Then N 30 W 14 P to rock on bank of rd; Then N 60 W 8 P to a rock on bank of rd Then N 17 W 13 P to a beach or bank of branch Then N 35 W 18 P to a stake in field Then S 2 E 46 P to a dogwood in W.H. Queen's line Then S 45 W 8 P to a Spanish oak Then S 33 W 27 P to a forked Chest. Then S 53 W 16 P to a stake on top of ridge Then S 40 W 10 P to a white oak sloping W.H. Queen's corner on top of ridge Then S 60 W 10 P to a stake Then S 80 W 12 P to a white oak Then S 55 W 4 P to a Spanish oak W.H. Queen's corner Then S 15 E 8 P to a black gum to a Spanish oak Then S 35 E 32 P to a Spanish oak Then S 45 E 10 P to a Spanish oak Then S 76 E 4 P to begin
 Cont 33 acres

ABSTRACT OF DEED OR GRANT

In Preamble	As Signed	As Acknowledged
J. M. Smith & wif Elmina Smith	✓	✓
Geo W Collier		

1. Kind of Conveyance.....	Deed	2. Date of Conveyance.....	3-12-1919
3. Is it properly executed.....	JP	4. Date of Entry and No.	yes
5. Before what Officer acknowledged.....		6. Acknowledgments, regular.....	yes
7. If irregular, copy in full on back.....		8. Did all grantors acknowledge.....	yes
9. Date of acknowledgment.....	3-12-1919	10. Was privy examination of wife taken.....	yes
11. Did officer affix Seal.....		12. Was order of probate correct.....	yes
13. Does conveyance contain covenants.....		14. Date of filing for record.....	3-19-1919
(a) of seizin.....	yes	15. Book.....	47
(b) power to convey.....	yes	Page.....	64
(c) against encumbrances.....	yes	for.....	Swain
(d) against claims of all others.....	yes	County.....	
17. Habendum clause (Quote fully). Geo Collier by himself & assigns to him & their only use & behoof forever	To have & to hold the aforesaid tract of land & all rights & appurtenances thereto belonging to the said Geo Collier by himself & assigns to him & their only use & behoof forever		

Exact Description of Property

Same as 47
581

ABSTRACT OF DEED OR GRANT

	In Preamble	As Signed	As Acknowledged
Grantors	George Collier & of Sophia Collier	✓	✓
Grantee	Daniel Parker		

1. Kind of Conveyance Deed
 3. Is it properly executed CSC
 5. Before what Officer acknowledged
 7. If irregular, copy in full on back
 9. Date of acknowledgment 5-13-20
 11. Did officer affix Seal
 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 5-13-20
 4. Date of Entry and No.
 6. Acknowledgments, regular yes
 8. Did all grantors acknowledge yes
 10. Was privy examination of wife taken yes
 12. Was order of probate correct yes
 14. Date of filing for record 7-27-21
 15. Book 47 Page 581
 for Swanson County.
 16. Does deed contain any special limitations, provisions
 or restrictions

17. Habendum clause (Quote fully)
 of land with all trees & appurtenances there to belong to
 the said Daniel Parker his heirs & assigns
 to their sole use & behoof forever

Exact Description of Property

Begin at a white oak stump on the bank of
 a branch R. V. Nation & J. M. Smith's corner
 & run a cord line up a ridge a N.W.
 direction 39° to a stake in W H Owen
 line just over top of ridge then N 33° E
 22 P to a Spanish oak stump then N 45°
 28 Doles to a chest oak stump, then E
 a cord line 36 P to a stake on bank
 of branch then S.W. with the branch
 12 P to the begin
 dont be across more than

ABSTRACT OF DEED OR GRANT

	In Preamble	As Signed	As Acknowledged
Grantors	Daniel Parker & wife Jane Parker	✓	✓
Grantees	W.C. Caldwell		

1. Kind of Conveyance *Mortgage and*
 2. Date of Conveyance *3-28-21*
 3. Is it properly executed.....
 4. Date of Entry and No.
 5. Before what Officer acknowledged *N.P.*
 6. Acknowledgments, regular *yes*
 7. If irregular, copy in full on back
 8. Did all grantors acknowledge *yes*
 9. Date of acknowledgment *3-28-21*
 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—
 (a) of seizin *yes*
 (b) power to convey *yes*
 (c) against encumbrances *yes*
 (d) against claims of all others *yes*
 14. Date of filing for record *7-27-21*
 15. Book *47*, Page *380*
 for *Swain* County.
 16. Does deed contain any special limitations, provisions
 or restrictions *no*

17. Habendum clause (Quote fully) *To have & to hold the aforesaid tract or parcel of
land & all privs & appn thereto belong to the said W.C. Caldwell and
his & assigns to their only uses & behov forever*

Exact Description of Property

Beginning at a white oak stump on bank of Branch R.V.
 Nations & J.M. Smith corner & runs a conditional line up a
 ridge a N. Westernly direction 39° to a stake in W.H.
 Queens line just over top of ridge then N 33° 22' P
 to a Spanish oak stump then N 45° 8' P to a chest
 oak stump then E a conditional line 36° P to a
 stake on bank of branch then a S.W. with
 the branch 12° to beginning corner

cont 6 acres more or less

NORTH CAROLINA

SWAIN COUNTY

F. D. Connor being duly sworn deposes and says that he is 73 years of age and has resided in Swain County for 50 years.

Affiant further states that he is familiar with the ownership and possession of a tract of parcel of land in Swain County belonging to W. C. Caldwell more particularly described as follows:

"BEGINNING at a white oak stump on bank of branch, R. V. Nations and J. M. Smith's corner, and runs a conditional line up a ridge a northwesterly direction 39 poles to a stake in W. H. Queen's line just over top of ridge; then North 33 East 22 poles to a spanish oak stump; then North 45 East 8 poles to a chestnut oak stump; then East a conditional line 36 poles to a stake on bank of branch; then a southwest with the branch 12 poles to BEGINNING corner. Containing six acres more or less."

That the said W.C.Caldwell and those under whom he claims to-wit:

Jane and Daniel Parker
George Collier
Minnie and John M. Smith
H. A. Smith
R.V. Nations
A. Nations

have been in the open notorious continuous and adverse possession of the said tract of land described as aforesaid for thirty years and more, cultivating portions thereof, cutting timber and wood therefrom and making such other uses as the lands are susceptible of.

F. D. Connor

ATTORNEY'S CERTIFICATE AND OPINION

Tract No. 61.

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.....:

W. C. Caldwell

.....**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. W. C. Caldwell appears to have a connected chain of title from the State to himself, which appears to be regular in all respects except that the Special Proceedings authorizing the Guardian of W. H. Thomas to execute deeds are not shown herein. However, in order to cure this omission, we have procured an affidavit of possession from D. F. Connor stating that the said W. C. Caldwell and those under whom he claims have been in the actual, continuous and adverse possession of said premises under color of title for a period of thirty years. We believe such possession is sufficient to perfect the title in W. C. Caldwell.

2. The taxes for the year 1928 amounting to \$9.13 are unpaid and outstanding.

NORTH CAROLINA PARK COMMISSION

We beg to report that we visited the premises of
W. C. Caldwell on October 8th, 1929 and find as follows:

4½ acres land	\$67.00
1 5-room house, bungalow style with metal roof, double boxed, porch on two sides,	\$600.00
1 spring and spring house	20.00
1 out house	30.00
1 barn, woodshed and pigpen	20.00
1 garden fenced with woven wirelocust stakes	25.00
1 woodhouse	20.00
Total	\$782.00
	7 ⁶³

G.S. Patterson
W.W. Martin

NORTH CAROLINA PARK COMMISSION

ASHEVILLE, N. C.

August 29, 1930.

REPORT ON THE W. C. CALDWELL TRACT - NO. 61, 4.45 ACRES.

LOCATION:

This tract is located on Tight Run Branch, near Ravensford.

DESCRIPTION:

A small home tract; a little flat land on the creek, balance hillside.

IMPROVEMENTS:

A five-room box house; two-room shack and a shed; all the land fenced with barbed wire.

VALUATION:

An agreement could not be reached with the owner, and the property was put into condemnation. The commissioners' report is \$720.00, which we are inclined to think will be appealed, although it is all the property is worth.

The appraisers ask your permission to make the payment if the amount awarded is acceptable.

Tom Reaves
M. M. Moulton
APPRaisERS.