

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 Oona Luffy 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 Grant 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 Soplia 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 651 of Abstract.

ABSTRACT OF DEED OR GRANT

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

- Kind of Conveyance Deed
- Date of Conveyance 1-4-82
- Is it properly executed
- Date of Entry and No.
- Before what Officer acknowledged J.P.
- Acknowledgments, regular yes
- If irregular, copy in full on back
- Did all grantors acknowledge yes
- Date of acknowledgment 12-25-85
- Was privy examination of wife taken yes
- Did officer affix Seal
- Was order of probate correct yes
- Does conveyance contain covenants—
- Date of filing for record 2-28-90
- (a) of seizin no
- Book 11 Page 504
- (b) power to convey no
- for Alfred Nations County.
- (c) against encumbrances no
- Does deed contain any special limitations, provisions or restrictions
- (d) against claims of all others yes

17. Habendum clause (Quote fully)

To have & to hold said land & premises all & singular the tenements, improvements, woods, ways, water, mines & minerals to & together with all rights & appurtenances thereto in fee simple forever by any wise appearing thereunto to him the said Alfred Nations, his heirs & assigns to their own proper use & behoof in fee simple forever

Exact Description of Property

On waters of the Hughes branch on East side of Hughes ridge being part of Entry granted to John Mungus Being on John Mungus B.O. Corner on top of ridge about 2 P East of said Mungus locust corner runs S 85° less or more W 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 less or more

ABSTRACT OF DEED OR GRANT

In Preamble

As Signed

As Acknowledged

Grantors

A Nations

✓

✓

Grantees

R.V. Nations

Deed

1. Kind of Conveyance
3. Is it properly executed
5. Before what Officer acknowledged
7. If irregular, copy in full on back
9. Date of acknowledgment
11. Did officer affix Seal
13. Does conveyance contain covenants—
 - (a) of seizin
 - (b) power to convey
 - (c) against encumbrances
 - (d) against claims of all others

2. Date of Conveyance
4. Date of Entry and No.
6. Acknowledgments, regular
8. Did all grantors acknowledge
10. Was privy examination of wife taken
12. Was order of probate correct
14. Date of filing for record
15. Book Page for County.
16. Does deed contain any special limitations, provisions or restrictions

17. Habendum clause (Quote fully)

To have + to hold the above said tr of land + all hwy + appur there to belong 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 Mungus corner + runs E 8 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 50 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 on bank of branch Then N 35 W 18 P to a stake in field Then N 2 E 46 P to a dogwood in W.H. Queens 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 stump W.H. Queens 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. Queens corner Then S 15 E 8 P to a black gum 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
Grantors	L. M. Smith & wife Elmina Smith	✓	✓
Grantees	Geo W Collier		

- Kind of Conveyance Deed
- Date of Conveyance 5-12-1919
- Is it properly executed JP
- Date of Entry and No. 5-12-1919
- Before what Officer acknowledged JP
- Acknowledgments, regular yes
- If irregular, copy in full on back yes
- Did all grantors acknowledge yes
- Date of acknowledgment 5-12-1919
- Was privy examination of wife taken yes
- Did officer affix Seal yes
- Was order of probate correct yes
- Does conveyance contain covenants—
- Date of filing for record 5-19-1919
- (a) of seizin yes
- Book 47 Page 64
- (b) power to convey yes
- for Swan 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 & to hold the above said tract of land & all now & hereafter there to belong to the said Geo W Collier his heirs & assigns to him & their only use & behoof forever

Exact Description of Property

Same as $\frac{47}{581}$

ABSTRACT OF DEED OR GRANT

	In Preamble	As Signed	As Acknowledged
Grantors	George Collier + of Sophia Collier	✓	✓
Grantees	Daniel Parker		

- Kind of Conveyance Deed
- Date of Conveyance 5-13-20
- Is it properly executed CSC
- Date of Entry and No.
- Before what Officer acknowledged CSC
- Acknowledgments, regular yes
- If irregular, copy in full on back
- Did all grantors acknowledge yes
- Date of acknowledgment 5-13-20
- Was privy examination of wife taken yes
- Did officer affix Seal
- Was order of probate correct yes
- Does conveyance contain covenants—
- Date of filing for record 7-27-21
- (a) of seizin yes
- Book 47 Page 581
- (b) power to convey yes
- for Swain County.
- (c) against encumbrances yes
- Does deed contain any special limitations, provisions or restrictions
- (d) against claims of all others yes

17. Habendum clause (Quote fully) To have + to hold the above said
of Land with all priv + appur there to belong to
the said Daniel Parker his heirs + assigns
to their only use + behoof forever

Exact Description of Property

Begin at a white Oak stump on the bank of
a branch R.V. Nation + J.M. Smiths corner
+ run a cord line up a ridge a N.W.
direction 39 P 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 Poles 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
cont to acres more or less

ABSTRACT OF DEED OR GRANT

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

- Kind of Conveyance Warranty and
- Date of Conveyance 3-28-21
- Is it properly executed yes
- Date of Entry and No. yes
- Before what Officer acknowledged N.P.
- Acknowledgments, regular yes
- If irregular, copy in full on back yes
- Did all grantors acknowledge yes
- Date of acknowledgment 3-28-21
- Was privy examination of wife taken yes
- Did officer affix Seal yes
- Was order of probate correct yes
- Does conveyance contain covenants—
- Date of filing for record 7-27-21
- (a) of seizin yes
- Book 47 Page 580
- (b) power to convey yes
- for Swain County.
- (c) against encumbrances yes
- Does deed contain any special limitations, provisions or restrictions yes
- (d) against claims of all others yes
- Habendum clause (Quote fully) To have & to hold the above and togeth or parcel of land & all priv & appurtenances to belong to the said W.C. Caldwell his heirs & assigns to their only issue & forever

Exact Description of Property

Being 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. westerly direction 39 P to a stake in W.H. Queens line just over top of ridge Then N 33 E 22 P to a spanish oak stump Then N 45 E 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 P to being corner

Cont 6 acres more or less

NORTH CAROLINA

SWAIN COUNTY

F. W. 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 or 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. W. 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

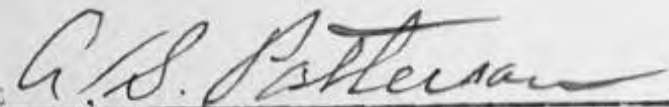
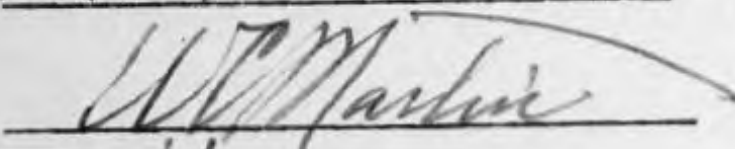
1. W. C. Caldwell appears to have a connected chain of title from the State to himself, which appears to be regular in all respects except that the Special Proceedings authorizing the Guardian of W. H. Thomas to execute deeds are not shown herein. However, in order to cure this omission, we have procured 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:

4 $\frac{1}{2}$ 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	<div style="border-top: 1px solid black; display: inline-block;">\$782.00</div>
	782,

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.

Gene R. Davis
W. H. Sandberg
APPRAISERS.