

DESCRIPTION OF THE BOUNDARY

OF THE

JOHN SMITH HEIRS TRACT (64)

Lying on the Northwest side of Raven's Fork of Ocona Lufty River, about three fourths of a mile above its mouth.

Beginning at Corner 1, which is Corner 4 of the Parsons Pulp and Lumber Co. Tract (68), a hickory sprout with witnesses, on top of a ridge.

Thence, with seven lines of the Parsons Pulp and Lumber Co. Tract (68).

S. 15-10 W.

1.02 Corner 2, a point with witnesses.

Set a post.

S. 63-23 W.

8.92 Corner 3, a locust post with witnesses, on ridge top.

A 34" ~~spanish~~ oak, blazed and scribed B.T.-P., bears N. 56-00 E. .16 chain distant.

S. 41-24 W.

1.99 Corner 4, a bunch of dead chestnuts, with corner marks.

S. 16-17 W.

3.21 Corner 5, a black gum stump with witnesses.

Set a post scribed P.

A 10" black oak, blazed and scribed B.T.P. bears <sup>N</sup>~~N~~. 75-00 E. .07 chain distant.

S. 9-13 W.

4.25 Corner 6, a large chestnut, with old marks and witnesses.

S. 5-52 E.

6.63 Corner 7, a 12" black oak at corner of fence.

A 12" spanish oak, blazed and scribed B.T.-P., bears N. 45-00 W. .25 chain distant.

S. 13-44 E.

11.24 Corner 8, which is Corner 2 of the W.C. Holloway Tract (66), a point in the Parsons Pulp and Lumber Co. line.

Thence, S. 75-14 W.

3.97 Corner 9, a stake beside a branch.

Thence, up the branch with its meanders, a line of the Dan Parker Tract (65).

N. 14-52 W.

3.09 A Point.

N. 20-40 W.

3.52 A Point.

N. 32-27 W.

2.61 A Point.

N. 24-39 W.

4.87 A Point.

N. 32-17 W.

2.73 Corner 10, which is Corner 8 of the H. N. Connor Tract (63), a point on East bank of stream, and beside wire fence.

Set a post scribed P-S.

Thence, with three lines of the H. N. Connor Tract (63).

N. 45-35 W.

1.64 Corner 11, a point on bank of road near stream.

Set a post scribed S-C.

N. 51-20 E.

3.33 Corner 12, a point at corner of rail fence.

Set a post scribed C-S.

N. 16-05 W.

10.00 Corner 13, a white oak stump on bank of branch, a corner common to the W.C. Caldwell, J. Nations and H. N. Connor Tracts.

Thence, N. 40-12 E.

With a line of the W.C. Caldwell Tract (61).

2.90 Corner 14, a point on bank of stream, and at Corner of garden.

Thence, N. 47-~~4~~2 E.

2.21 Corner 15, a point shown by Hilliard Enloe as site of old dogwood corner.

Set a locust post scribed E.

Thence, N. 89-22 E.

16.49 The place of beginning, containing 25.19 acres.

Analysis of Title

Tract No. 64.

1. Tract No. 64 is covered by Grant No. 224 to William Cathcart. This grant is shown on page 169 of Abstract No. 11. It is also covered by Grant No. 501 to Felix Walker. Page 588 of Abstract.

We are unable to connect this title with either of the grants above mentioned.

2. The first instrument in this title is a deed from Jason W. Hughes to Aseph Hughes for 200 acres, being the land where Aseph Hughes then lived. This boundary seems to cover all of Tract No. 64. This deed is duly executed and is registered in Swain County. Page 693 of Abstract.

3. Thereafter Aseph Hughes died leaving to his eight children who were his heirs at law a tract of land containing about 500 acres. Deeds were afterwards executed by the several heirs at law of the said Aseph Hughes to W. S. Hughes, all of which deeds have been fully set out in the Abstract of Title of Tract No. 58. Special reference being hereby made to Paragraphs 2 to 9 inclusive of the Analysis of Title of said tract. Pages 579 to 600 of Abstract.

4. On January 3, 1891, W. S. Hughes, R. L. Hughes, T. I. Hughes and A. H. Hughes and wife, conveyed to A. Nations a tract of land containing 50 acres more or less, which includes the southern end of tract No. 64. This deed is improperly executed in that we do not find of record the acknowledgements of W. S. Hughes and R. L. Hughes. It is our opinion, however, that the original deed contained such acknowledgements but that same was omitted from the record. However, the deed constitutes color of title. The only explanation for the signatures of the grantors other than W. S. Hughes is that at the time of the execution of this deed he had not acquired their undivided interest in the lands of Aseph Hughes. Page 694 of Abstract.

5. Thereafter A. Nations died leaving as his heirs at law, R. V. Nations, Jane Parker, wife of Dan Parker and Minnie Smith, wife of John Smith; and on July 1, 1903, the said R. V. Nations and wife, Jane Parker and husband Dan Parker conveyed to John and Minnie Smith a tract of land containing eighteen acres, which embraces the southern portion of tract No. 64. This deed is duly executed and is registered in Swain County. Page 695 of Abstract.

6. The northern portion of Tract No. 64 not included in the preceding deeds was conveyed by W. S. Hughes and wife to R. V. Nations by deed dated December 22, 1909. This deed described a tract of land containing twenty acres and covers the northern portion of Tract No. 64. W. S. Hughes, acquired title thereto

by the several deeds heretofore set out from his brothers and sisters. Page 696 of Abstract.

7. Thereafter R.V. Nations and wife Laura executed to W. B. Carringer, Trustee a certain Deed of Trust, dated March 3, 1914 to secure debt therein described. This Deed of Trust covers the twenty acre tract aforesaid, that is the northern portion of Tract No. 64. For some reason this Deed of Trust was never registered and we only know of its existence by reason of the recitals contained in the deed following.

8. On December 19, 1914, W. B. Carringer, Trustee, executed to John Smith his deed for the twenty acre tract aforesaid, it being recited therein that default was made in the payment of the debt secured by the Deed of Trust and that the property was sold by the Trustee on December 19, 1914 at public Auction after due advertisement. This deed is properly executed and is registered in Swain County. Page 697 of Abstract.

9. On January 13, 1910, R.V. Nations and wife conveyed to John Smith a parcel of land containing four acres, which seems to cover the central portion of Tract No. 64, that is a portion of the tract aforesaid, conveyed by the Carringer, Trustee to the said John Smith. This deed is properly executed and is registered in Swain County. Page 699 of Abstract.

10. On October 16, 1913, R. V. Nations and wife conveyed to J. M. Smith a tract of land containing five acres by deed duly executed and registered in Swain County. This deed conveys the northern portion of Tract No. 64, that is a portion of the land heretofore conveyed by Carringer, Trustee, to J. M. Smith. Page 700 of Abstract.



# ABSTRACT OF DEED OR GRANT

In Preamble	As Signed	As Acknowledged
Jason W. Hughes	J. W. Hughes	Jason W. Hughes
Asoph Hughes		

- Kind of Conveyance... **Deed**
- Date of Conveyance... **9-12-62**
- 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... **1-5-66**
- Was privy examination of wife taken... **No**
- Did officer affix Seal.....
- Was order of probate correct... **Yes**
- Does conveyance contain covenants—
- Date of filing for record... **2-1-26**
- (a) of seizin... **No**
- Book... **8** Page... **178**
- (b) power to convey... **No**
- for... **Swain** County.
- (c) against encumbrances... **No**
- Does deed contain any special limitations, provisions or restrictions... **No**
- (d) against claims of all others... **Yes**
- Habendum clause (Quote fully)... **Not Given.**

## Exact Description of Property

Lying and being in the County of Jackson and State of North Carolina on both sides of the Raven's fork of Ocona Luffy River, to-wit:

BEGINNING on a chestnut oak in the bank of said Raven's fork of Ocona Luffy River near a large rock on the West bank of said river, running North 20° West 40 poles to a stake; then West 9 poles more or less to a stake on top of a ridge; then a North direction with the top of the ridge 185 poles to a stake; thence East 165 poles to a stake; then South 185 poles to a stake; thence 112 poles to a stake; thence South 20° East 40 poles to the beginning.

It being the land where the said Asoph Hughes now lives. Containing 200 acres more or less.

# ABSTRACT OF DEED OR GRANT

W.S. Hughes

W.S. Hughes

In Preamble

As Signed

As Acknowledged

R. L. Hughes  
J. J. Hughes  
A. Hughes

R. L. Hughes  
J. J. Hughes  
A. H. Hughes ref H. J.

J. J. Hughes  
A. H. Hughes ref H. J.

A. Nations

1. Kind of Conveyance *sever*
3. Is it properly executed *J. P.*
5. Before what Officer acknowledged *J. P.*
7. If irregular, copy in full on back
9. Date of acknowledgment *1-31-91*
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 *1-3-91*
4. Date of Entry and No.
6. Acknowledgments, regular *no*
8. Did all grantors acknowledge *no*
10. Was privy examination of wife taken *yes*
12. Was order of probate correct *yes*
14. Date of filing for record *5-28-95*
15. Book *16* Page *510*  
for \_\_\_\_\_ County.
16. Does deed contain any special limitations, provisions or restrictions

17. Habendum clause (Quote fully)

*To have + to hold the above said tract of land with all privs + appur there to belong to the said A. Nations & his heirs to their only use & behoof forever*

## Exact Description of Property

*Beginning on a sassafras on the N.W. bank of the Ravens Fork of Orona Lefty river + runs N 19 W 77° 0' to a B.O. then N 42 W 31 1/2° S to a white oak, then W 58° to a st. then S 168° to a Spanish oak on a large rock, on the N.W. side of said river thence up said river as it meanders 87° to beginning  
Cont 50 acres more or less*

# ABSTRACT OF DEED OR GRANT

	In Preamble	As Signed	As Acknowledged
Grantors	R. V. Nations Laura Nations Jame Parker Susan Parker	R. V. Nations Laura " Jame Parker M. J. "	R. V. Nations wife Laura " Jame Parker wife M. J. "
Grantees	John Smith Minna Smith		

- Kind of Conveyance Deed
- Date of Conveyance 7-1-03
- 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 7-20-03
- 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 7-27-03
- (a) of seizin No
- Book 24 Page 435
- (b) power to convey No
- for Swain County.
- (c) against encumbrances No
16. Does deed contain any special limitations, provisions or restrictions
- (d) against claims of all others No

17. Habendum clause (Quote fully) To have & to hold the above said parcel of land with all the privileges & appurtenances thereto in anywise to the said parties & their heirs and assigns forever.

## Exact Description of Property

all their interest in the following described land the same being the interest which the said parties of the first part have at law & the late R. Nations deceased have in that tract or parcel of land hereinafter described all same being all share allotted by the Commissioners Charon and appointed by said heirs at law to lay off and divide the estate of the said R. Nations deceased to the said parties of the second part. Beg. at a post oak, W. S. Hughes line runs S 77 W 14 p to a rock, then and Jame Parker corner thence N 17 W 44 p to a X Parker and R. V. Nations corner near a barn at the red barn place, thence N 17 W 2 to a X R. V. Nations corner N 21 W 14 p to a V. on bank of branch N 24 W 16 p to a rock on bank of the road, N 29 W 24 p to a rock R. V. Nations corner N 45 W 14 p to a rock on bank of road N 65 W 4 p to a rock on bank of road N 39 E 16 p to W. S. Hughes corner S 40 E 52 p to black oak W. S. Hughes corner S 17 E 72 p to the log containing 18 acres



# ABSTRACT OF DEED OR GRANT

	In Preamble	As Signed	As Acknowledged
Grantors	W.S. Harghas and Mary "	✓	✓
Grantees	R.V. Nations		

- Kind of Conveyance Deed
- Date of Conveyance 12-22-09
- 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
- Was privy examination of wife taken yes
- Date of acknowledgment 12-22-09
- Was order of probate correct yes
- Did officer affix Seal
- Date of filing for record 12-3-13
- Does conveyance contain covenants—
- Book 140 Page 139
- (a) of seizin yes
- for Swain County.
- (b) power to convey yes
- (c) against encumbrances yes
- (d) against claims of all others yes
- Does deed contain any special limitations, provisions or restrictions

## 17. Habendum clause (Quote fully)

to have and to hold the above tract of land to the said R.V. Nations his heirs & assigns forever

## Exact Description of Property

Begin at a b. oak a a ridge. John Smith & W.S. Harghas corner near where John Smith now lives N6W 32 p to a cut. N4E 18 p to a cut. N15E 13 p to a cut. N38E 8 p to a cut. N57E 36 p to a X on top of ridge. N8W 4 p to a ridge. W.S. Harghas and M.B. Euler's corner. W at 63 p to a corner. N.W. Euler's corner S42W 20 p to a W. O. H. H. Smith & R. B. Nations's corner. S24E 22 p to a X. S20W 12 p to a W. O. S40E 50 p to a b. oak. N.W. by 20 a + a - .

Sp. ref. coll. 64

Call record?  
be another person

1. Kind of Conveyance *Private Deed*  
 2. Date of Conveyance *12-19-14*  
 3. Is it properly executed \_\_\_\_\_  
 4. Date of Entry and No. \_\_\_\_\_  
 5. Before what Officer acknowledged *C. P. O.*  
 6. Acknowledgments, regular *4/10*  
 7. If irregular, copy in full on back \_\_\_\_\_  
 8. Did all grantors acknowledge *4/10*  
 9. Date of acknowledgment *12-19-14*  
 10. Was privity examination of wife taken \_\_\_\_\_  
 11. Did officer affix Seal \_\_\_\_\_  
 12. Was order of probate correct *4/10*  
 13. Does conveyance contain covenants—  
 14. Date of filing for record *12-23-14*  
 (a) of seizin *No*  
 15. Book *41* Page *114*  
 (b) power to convey *No* for *Deane* County.  
 (c) against encumbrances *No*  
 16. Does deed contain any special limitations, provisions  
 (d) against claims of all others *No* or restrictions *No*

that whereas on the 3<sup>rd</sup> day of March 1914 R. V. Nations  
& wife Laura Nations executed & delivered to the said W. B.  
Carringer Trustee a certain deed of trust which is re-  
corded in the office of the register of deeds in Swain  
County N.C. and whereas same was default in the pay-  
ment of the indebtedness thereby secured as otherwise  
provided and under and by virtue of the said deed of  
trust and in accordance of the terms & stipulations  
of the same and after due advertising as the said deed  
of trust provided and by law provided the said W. B.  
Carringer Trustee did on the 19<sup>th</sup> day of Dec. 1914  
at time stated in said advertisement at the Court House  
door in Bryson City N.C. go fore to public sale  
the land hereinafter described, where and where  
John Quinn became the last and highest bidder.

Exact Description of Property

Sheet R

for the same at the price of 100 and whereas the said  
purchase price has been fully paid as in said deed of trust  
provided. Now therefore this indenture - Teste.

Begin on a b. oak on a ridge near John Smith and W.S. Hughes  
corner and runs N 6 W 22 p to a cut. N 4 W 18 p to a b. gum N 15 E  
18 p to a cut. N 38 E 8 p to a X on top of ridge. N 8 W 4 p to a cutting  
Hughes & Eulers corner West 63 p to a sassafras S 42 W 20 p to  
a white oak S 24 E 22 p to a X S 20 W 12 p to a c. c. S 40 E  
52 p to a big cutting 20 acres to -

# ABSTRACT OF DEED OR GRANT

	In Preamble	As Signed	As Acknowledged
Grantors	R. V. Nations & wife Laura Nations	✓	✓
Grantees	John Smith		

- Kind of Conveyance
- Date of Conveyance 1-13-10
- 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 1-13-10
- 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 10-30-11
- (a) of seizin Yes
- Book 38 Page 18
- (b) power to convey Yes
- for Arain 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 to & payed to John Smith his heirs & assigns to him only his & his heirs forever

## Exact Description of Property

Begin on a black Oak on a ridge W of Hughes & John Smith corner & run N 60 W 32 P to a chest then N 4 E 11 P to a post wood the corner then North Cond. line a S.W. direction 28 P to a st the corner, then S 40 E 42 1/2 P to a black Oak the begining Cont 4 acre more or less

# ABSTRACT OF DEED OR GRANT

	In Preamble	As Signed	As Acknowledged
Grantors	R. V. Natwies & Laura "	✓	✓
Grantees	J. M. Smith		

- Kind of Conveyance... *Deed*
- Date of Conveyance... *10-16-13*
- Is it properly executed... *Yes*
- Date of Entry and No...
- Before what Officer acknowledged... *J. D. C.*
- Acknowledgments, regular... *Yes*
- If irregular, copy in full on back...
- Did all grantors acknowledge... *Yes*
- Date of acknowledgment... *10-20-13*
- Was privy examination of wife taken... *Yes*
- Did officer affix Seal...
- Was order of probate correct...
- Does conveyance contain covenants—
- Date of filing for record... *11-3-13*
- (a) of seizin... *Yes*
- Book... *40* Page... *141*
- (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 above said tract or parcel of land and all property is and appurtenances thereto unto the heirs of J. M. Smith his heirs assigns forever.*

## Exact Description of Property

Beg on a X M. B. Eulers S.W. 1/4 at the corner on the back of the road below his house runs a S.E. direction up the top of a ridge 42 ft to a X top of the mountain in the line of R. B. Natwies & W. S. Hup dies N 52 E 36 ft to a X on top of the ridge, N 8 E 4 ft to a highway, West 63 ft to a X on Thunderwood corner of M. B. Eulers the beginning corner containing 5 acres + or -



# ABSTRACT OF DEED OR GRANT

	In Preamble	As Signed	As Acknowledged
Grantors	R.V. Nations and Laura Nations	R.V.Nations Laura Nations	R. V. Nations Laura Nations
Grantees	J. M.Smith		

1. Kind of Conveyance Deed
2. Date of Conveyance 10-16-13
3. Is it properly executed.....
4. Date of Entry and No.....
5. Before what Officer acknowledged C.S.C.
6. Acknowledgments, regular Yes
7. If irregular, copy in full on back.....
8. Did all grantors acknowledge Yes
9. Date of acknowledgment 10-20-13
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 11-3-13
- (a) of seizin Yes
15. Book 40 Page 141
- (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 parcel of land and a l privileges and appurtenances thereto belonging to the said J. M. Smith his heirs and assigns to their only use and behoof forever.

## Exact Description of Property

BEGINNING; on a stake, M..B.Enloe's Southwest corner at the branch on the bank of the road below his house, runs a southeast direction up the top of a ridge 42 poles to a stake top of the mountain in the line of R. V.Nations and W.S.Hughes North 57 East 36 poles to a stake on top of the ridge; North 8 East 4 poles to a hickory; West 63 poles to a stake or sourwood, corner of M.B. Enloe, the beginning corner.

Containing 5 acres more or less.

NORTH CAROLINA  
SWAIN COUNTY

W. S. Hughes

being duly sworn, deposes and says:

That he is \_\_\_\_\_ years of age, and has been a resident of Swain County for 40 years;

Affiant further states that he is familiar with the ownership and possession of a tract or parcel of land located in Swain County, North Carolina, now belonging to the heirs of John M. Smith, more particularly described as follows:

FIRST TRACT - Beginning at a post oak, W. S. Hughes line, runs South 77 West 14 poles to a rock, Dean and Jane Parkers corner; thence North 17 West 44 poles to a stake, Parkers and R. V. Nations corner near a branch at the old barn place; thence North 17 West 2 to a stake, A. V. Nations corner; North 21 West 14 poles to a stake on bank of branch; North 24 West 16 poles to a beech on bank of the road; North 29 West 24 poles to a rock, R. V. Nations corner; North 45 West 14 poles to a rock on bank of road; North 65 West 4 poles to a rock on bank of road; North 39 East 16 poles to a white oak, an old corner; South 40 East 52 poles to a black oak, W. S. Hughes corner; South 17 East 72 poles to the beginning, containing 16 acres.

SECOND TRACT - Beginning on a black oak on a ridge near John Smith's and W. S. Hughes' corner, and runs North 6 West 22 poles to a chestnut; North 4 West 18 poles to a black gum; North 15 East 18 poles to a chestnut; North 38 East 8 poles to a stake on top of ridge; North 8 West 4 poles to a hickory, Hughes and Enloes corner; West 63 poles to a sourwood; South 42 West 20 poles to a white oak; South 24 East 22 poles to a stake; South 20 West 12 poles to a white oak; South 40 East 52 poles to the beginning, containing 20 acres more or less.

That the heirs of the said John M. Smith and those under whom they claim, to wit:

John M. Smith

A. V. Nations

W. S. Hughes

Jane Parker and husband, Dan Parker, and

A. Nations

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

W. S. Hughes

Affiant

NORTH CAROLINA

SWAIN COUNTY

J. F. Hayd, being

duly sworn, deposes and says:

That he was well acquainted with John M. Smith during his lifetime, and that the said John M. Smith is now dead, having died intestate, and he left him surviving the following named persons as his heirs at law:

Elmina Smith (widow)

Laura Smith Dean (husband, Carl Dean)

Weldon Smith (wife, Kate Smith)

J. F. Hayd  
Affiant

(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, 1928, at \$1150.00, in the name

Heirs at law of		and the taxes for the past ten years have been paid or not paid as follows:	
John M. Smith			
1919	Paid	1924	Paid
1920	Paid	1925	Paid
1921	Paid	1926	Paid
1922	Paid	1927	Paid
1923	Paid	1928	Unpaid amount \$19.43

## ATTORNEY'S CERTIFICATE AND OPINION

Tract No. 64.

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.....:

Elmina Smith, widow  
Laura Smith Dean  
(husband Carl Dean)  
Weldon Smith

Heirs at law of John M. Smith, to-wit:

are 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. Tract No. 64 is covered by Grant No. 224 to William Cathcart, but since we are unable to connect the title of John Smith with such grant or with any other grant, we are, therefore, dependent upon possession under color for title; we have, therefore, attached an affidavit showing possession by the said John M. Smith and those under whom he claims for a period of thirty years and under color of the several deeds shown in this Abstract. With this showing of possession, we are of opinion that the title is good in the Heirs at law of the said John M. Smith. It is, true that the Deed of Trust from R. V. Nations to W. B. Carringer has not been found of record, but the deed of the Trustee, which was made pursuant to said Deed of Trust recites its existence as well as the terms thereunder. The omission of this deed from the record is cured by the subsequent deeds of R. V. Nations and wife to the said J. M. Smith.

2. The taxes for the year 1928 amounting to \$19.43 are outstanding and unpaid.

This 5th day of December, 1928.



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File 597

STATE OF NORTH CAROLINA

No. 440. Know ye that we have granted unto Ralph Hughes one hundred acres of land in Haywood County, on the Ravens fork of Oconeyluftty River. Beginning at a hickory on the North boundary line of his own tract, and runs West with his old line fifty six poles to a white oak near a branch then South forty eight poles to a large white oak on the point of a ridge, then West twenty two poles to a poplar in John Menguses line, then North with his line sixty poles to a stake, then North ten degrees East one hundred and sixty five poles to a stake, then East eighty six poles to a stake, then South ten degrees West one hundred and eighty poles to the place of beginning. Entered the 4th. day of January 1845. To hold to the said Ralph Hughes his heirs and assigns forever dated the 13th. day of January 1847.

Wm. Hill Secretary

Will. A. Graham.

NORTH CAROLINA PARK COMMISSION

ASHEVILLE, N. C.

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November 25, 1929.

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REPORT ON THE JOHN SMITH HEIRS TRACT - NO. 64, 25.19 ACRES.

LOCATION: This tract is located at Ravensford, and adjoins the lands of other small property owners in that section.

DESCRIPTION: A small farm home, with very little flat land, although all of the land under cultivation is not steep. The woodland has been cut over.

IMPROVEMENTS: The improvements on this property are: A 6-room framed house, in only fair condition; a 5-stall barn, a small 3-room house, in poor condition, and some outbuildings, in poor condition.

VALUATION:

6-room framed house	\$ 600.00
1 acre bottom land	150.00
5-stall barn	150.00
Outbuildings	50.00
24 acres woodland and pasture	<u>250.00</u>
Total	\$1,200.00

An option has been taken on this property for \$1,200.00.

NORTH CAROLINA PARK COMMISSION

ASHEVILLE, N. C.

We beg to report that we visited the premises of  
Weldon Smith on October 9, 1929 and find as follows:

1 acre bottom land	\$150.00
10 acres pasture land	20.00
14 acres woodland	140.00
1 6-room house	600.00
14 apple trees	70.00
1 smoke house and hen house	10.00
1 barn	150.00
4 box woods	40.00
3-room shack	10.00
Total	<u>\$1190.00</u>

(His price \$3,000.00)

A. S. Patterson  
W. J. Martin

## STATE OF NORTH CAROLINA

Swain

COUNTY. }

THIS DEED, Made this                      day of                      A.D. 192                      , by and between  
 Elmira Smith, widow, Laura Dean and husband Carl Dean, W. W. Smith  
 and wife, Kate Smith,  
 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 -----TWELVE HUNDRED----- (\$1200.00 ) 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                      Township      Swain                      County, State of North  
 Carolina, particularly described as follows, viz.:

T R A C T    N O .    6 4 :

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

Lying on the Northwest side of Raven's Fork of Ocona Lufly River,  
 about three -fourths of a mile above its mouth.

BEGINNING at Corner 1, which is corner 4 of the Parsons Pulp &  
 Lumber Co. Tract (68), a hickory sprout with witnesses, on top of  
 a ridge; thence with seven lines of the Parsons Pulp & Lumber Co.  
 Tract (68) South 15-10 West 1.02 chains, corner 2, a point with  
 witnesses, set a post South 63-23 West 8.92 chains, corner 3,  
 a locust post with witnesses, on ridge top, a 34" spanish oak,  
 blazed and scribed B.T.-P bears North 56-00 East .16 chain distant;  
 South 41-24 West 1.99 chains, corner 4, a bunch of dead chestnuts  
 with corner marks South 16-17 West 3.21 chains, corner 5, a black  
 gum stump with witnesses, set a post scribed P, a 10" black oak  
 blazed and scribed B.T.P. bears North 75-00 East .07 chain distant;  
 South 9-13 West 4.25 chains, corner 6, a large chestnut, with old  
 marks and witnesses; South 5-52 East 6.63 chains, corner 7, a 12"  
 black oak at corner of fence, a 12" spanish oak, blazed and scribed  
 B.T.-P bears North 45-00 West .25 chain distant; South 13-44 East  
 11.24 chains, corner 8, which is corner 2 of the W. C. Holloway  
 Tract (56), a point in the Parsons Pulp & Lumber Co. line; thence  
 South 75-14 West 3.97 chains, corner 9, a stake beside a branch;  
 thence up the branch with its meanders, a line of the Dan Parker  
 tract (65) North 14-52 West 3.09 chains; North 20-40 West 3.52  
 chains; North 32-27 West 2.61 chains; North 24-39 West 4.87 chains;  
 North 32-17 West 2.73 chains, corner 10, which is corner 8 of the  
 H. N. Connor tract (63), a point on east bank of stream, and beside  
 wire fence, set a post scribed P-S; thence with three lines of the  
 H. N. Connor tract (63) North 45-35 West 1.64 chains, corner 11  
 a point on bank of road near stream, set a post scribed S-C; North  
 51-20 East 3.33 chains, corner 12, a point at corner of rail fence  
 set a post scribed C-S; North 16-05 West 10.00 chains, corner 13,  
 a white oak stump on bank of branch, a corner common to the W. C.  
 Caldwell, J. Nations and H. N. Connor tracts; thence North 40-12  
 East with a line of the W. C. Caldwell Tract (61) 2.90 chains,  
 corner 14, a point on bank of stream, and at corner of garden;  
 thence North 47-42 East 2.21 chains, corner 15, a point shown by  
 Hilliard Enloe as site of old dogwood corner, set a locust post  
 scribed E; thence North 89-22 East 16.49 chains, the place of  
 BEGINNING, containing 25.19 acres.

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

} Elmina Smith (Seal)  
W. M. Smith (Seal)  
Kate Smith (Seal)  
Laura Dean (Seal)  
Carl Dean (Seal)

Julius P. Brubaker  
Mary Davis

Pennsylvania  
STATE OF ~~NORTH CAROLINA~~

Philadelphia COUNTY.

I, Julius P. Brubaker, a Notary Public  
do hereby certify that Carl Dean  
and Laura Dean

his wife, personally appeared before me this day and acknowledged the due execution of the foregoing instru-  
ment; and the said Laura Dean, 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 Eight day of January, A.D. 1930.

My commission expires March 5, 1933.

Julius P. Brubaker  
Notary Public.



My commission expires

Nov 7<sup>th</sup> 1981

Notary Public

STATE OF NORTH CAROLINA

I,

Sh. Dunn

a

Notary Public

in and for said County and State, do hereby certify that Ellis R. Smith, widow 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 official seal, this

4<sup>th</sup> day of

Jan, A.D. 1980

My commission expires: Nov 7<sup>th</sup> 1981

Notary Public

STATE OF NORTH CAROLINA

Swain

The foregoing certificate of William P. Burns and Ellen P. Burns a N.Y. of Swain County, N.C. is a Marriage of Swain County, N.C. of Swain County, N.C. be registered. County is adjudged to be correct. Let the instrument and the certificate

This 28 day of

Jan

A.D. 1980

USA Swain

Clerk Superior Court

# Warranty Deed

W. W. Smith et al  
(John Smith heirs)  
TO

THE STATE OF NORTH CAROLINA

Consideration - - - \$1200.00

Dated 4<sup>th</sup> day of Jan, 1980

Filed for registration on the 28<sup>th</sup> day of Jan, 1980, at 9:00 o'clock A.M., and registered in the office of the Register of Deeds for Swain

County, North Carolina, on the 28 day of Jan, 1980, in Book No. 58 of Deeds, at page 483

Ellis R. Smith  
Register of Deeds.

FEES.

CSC fee 50 ct

Bryson City, N. C.

January 23, 1930.

IN RE TRACT NO. 64

NORTH CAROLINA PARK COMMISSION,

Asheville, N. C.

Gentlemen:

I am enclosing herewith check No. 156C to W. W. Smith, Administrator of John Smith Estate for \$1200.00. Please send us one check for \$1175.51 made payable to W. W. Smith, Administrator of John Smith Estate, and one check for \$24.49, payable to S. R. Patterson, Tax Collector.

This deed will be delivered to us by the bank here and Mr. Long, the Cashier, asked me to handle it in this way.

Yours very truly,

P. O. Box 1232,  
Asheville, N.C.

January 24, 1930.

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

Dear Mr. Wiggins:

As per your request, we are enclosing herewith Check No. 170C, payable to W. W. Smith, Administrator of John Smith Estate, for \$1,175.51, and Check No. 171C, payable to S. R. Patterson, Tax Collector, for \$24.49, and are cancelling Check No. 156C, payable to W. W. Smith, Administrator, in the amount of \$1,200.00.

Yours very truly,

NORTH CAROLINA PARK COMMISSION

By

HKS  
Encls.

# NORTH CAROLINA PARK COMMISSION

CREATED BY THE STATE OF NORTH CAROLINA  
TO ESTABLISH A NATIONAL PARK IN  
THE GREAT SMOKY MOUNTAINS

EUGENE C. BROOKS, RALEIGH  
D. M. BUCK, BALD MOUNTAIN  
JOHN B. DAWSON, KINSTON  
PLATO D. EBBES, ASHEVILLE  
R. T. FOUNTAIN, ROCKY MOUNT

MARK SQUIRES, CHAIRMAN, LENOIR  
EUGENE C. BROOKS, SECRETARY, RALEIGH  
VERNE RHOADES, EXECUTIVE SECRETARY, ASHEVILLE

J. A. HARDISON, WOODSBORO  
STUART W. CRAMER, JR., CHASEBROOK  
J. ELMER LONG, DURHAM  
HARRY L. NETTLES, BILTMORE  
E. S. PARKER, JR., GREENSBORO  
MARK SQUIRES, LENOIR

Bryson City, N. C.

January 23, 1930.

## IN RE TRACT NO. 64

NORTH CAROLINA PARK COMMISSION,

Asheville, N. C.

Gentlemen:

I am enclosing herewith check No. 156C to  
W. W. Smith, Administrator of John Smith Estate for  
\$1200.00. Please send us one check for \$1175.51  
made payable to W. W. Smith, Administrator of John  
Smith Estate, and one check for \$24.49, payable to  
S. R. Patterson, Tax Collector.

This deed will be delivered to us by the  
bank here and Mr. Long, the Cashier, asked me to handle  
it in this way.

Yours very truly,

*W. W. Smith*

# NORTH CAROLINA PARK COMMISSION

## ATTORNEY'S CERTIFICATE AND OPINION

Tract No. 64.

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.....:

Heirs at law of John M. Smith, to-wit:

Elmira Smith, widow  
Laura Smith Dean,  
(husband Carl Dean)  
Weldon Smith.

.....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. Tract No. 64 is covered by Grant No. 224 to William Cathcart but since we are unable to connect the title of John Smith with such Grant or with any other Grant, we are, therefore, dependent upon possession under color for title; we have therefore, attached an affidavit showing possession of the said John M. Smith and those under who he claims for a period of thirty years and under color of the several deeds shown in this abstract. With showing of possession, we are of the opinion that the title is good in the heirs at law of the said John M. Smith, it is, true that the deed of trust from R. V. Nations to W. B. Carriager has not been found of record, but the deed of the Trustee, which was made pursuant to said deed of trust recites its existence as well as the terms thereunder. The omission of this deed from the record is cured by the subsequent deeds of R. V. Nations and wife to the said J. M. Smith.

2. Subject to taxes.

(COPY)

OK  
RE

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

Address.....

*Weldon Smith*  
Attorney.



RVV.NATIONS LAND.

DEED.

JOHN SMITH & WIFE.

Date

Jan.13,1910.

TO

Book 40.p.140

R.V.NATIONS

Swain County.

4 Acres.

DESCRIPTION.

NEAR RAVENSFORD.

BEGINING on a Stake, on the bank of the road, at the top of the hill above John Smith's house; rauns

N.50 W. 4 poles

to a Rock

N.20 W. 9 "

to a Stake

N.10 E. 4 "

to a Stake

N.20 E 28 "

to a White Oak

S.24 E. 22 "

to a Stake

S.20 W. 12 "

to a White Oak

S.40 E. 11½ "

to a Stake, the corner; then with a condition line,

S.W. 15 "

to a Stake, the BEGINING.

JOHN SMITH LAND.

DEED.

DANIEL PARKER & WIFE

Date

April 4, 1908.

TO

Reg.

Book 34.p.69

JOHN SMITH.

Swain County.

3 $\frac{1}{2}$  Acres.

DESCRIPTION.

NEAR RAVENSFORD.

BEGINING on a rock, on the bank of the  
road, and runs

N.50 W. 4 polest

to a Rock, on bank of road

N.20 W. 9 "

to a Stake

N.10 E. 4 "

to a Stake

N.20 E. 28 "

to a White Oak, a corner

S.24 E. 22 "

to a Stake, above a field

S.20 W. 12 "

to a White Oak, in Hughes' line

<sup>29</sup>  
S.29 W. 16 "

to the BEGINING.

JOHN SMITH LAND.

DEED.

R.V.NATION & WIFE

Date

Oct.16,1913.

TO

Reg.

Book 40.p. 141.

JOHN SMITH

Swain County.

5 Acres.

DESCRIPTION.

NEAR RAVENSFORD.

BEGINING on a Stake,M.B.Enloe's S.W.corner,  
~~bankxafxaxbranch~~ at the branch,on the bank  
of the road,below his house,and runs

S.E. 42 poles

up the top of the ridge to a Stake,on top  
of mountain,in the line of Nations and  
Hughes;then

N.57 E. 36 "

to a Stake,on top of ridge

N.08 E. 4 "

to a Hickory

West 63 #

to a Stakeor Sourwood corner,of M.B.Enloe,  
the BEGINING.

JON SMITH LAND.

DEED.

W.B.CARRINGER TRUSTEE

TO

JOHN SMITH

20 Acres.

DESCRIPTION.

Date

March 3, 1914.

Reg.

Book 41.p.114

Swain County.

NEAR RAVENSFORD.

BEGINING on a Black Oak, on a ridge, near  
John Smith's and W.S. Hughes' corner, runs

N.06 W. 22 poles to a

Chestnut

N.04 W. 18 "

to a Black Gum

N.15 E. 18 "

to a Chestnut

N.38 E. 8 "

to a Stake, on top of a ridge

N.08 W. 4 "

to a Hickory, Hughes' and Enloe's corner

Wesy 63 "

to a Sourwood

S.42 W. 20 "

to a White Oak

S.24 E. 22 "

to a Stake

S.20 W. 12 "

to a White Oak

S.40 E. 52 "

to the BEGINING.

JOHN SMITH LAND.

DEED.

R.V.NATIONS & WIFE

Date

Jan.19,1907.

TO

Reg.

Book 34.p.67

JOHN SMITH

Swain County.

10.Acres.

DESCRIPTION.

NEAR RAVENSFORD.

		BEGINING on a Stake and runs
N.W.	26 poles	to a Black Oak, on top of ridge
West	4 "	with W.H. Queen's line, to a Chestnut, a corner
North	12 "	to a <del>Stake</del> Hickory
-20 E	12 "	to a Stake
N.45 W.	18 "	to a White Oak
N.15 W.	10 "	to a Stake, on ridge. M.B. Enloe's corner; then with a conditional line of M.B. Enloe and R.V. Nations to a Stake, in their line; then a,
S.E.	29 "	to a Stake, the corner; then
S.13 W.	26 "	to a Walnut, in M.B. Enloe's yard; then
S.48 W.	15 "	to a Mulberry
S.10 E.	9 "	to the BEGINING.



JOHN SMITH LAND.

DEED.

R.V.NATIONS & WIFE

Date

Jan.13,1910.

TO

Reg.

Book 38.p.18.

JOHN SMITH

Swain County.

4 Acres.

DESCRIPTION.

NEAR RAVENSFORD.

BEGINING on a Black Oak, on a ridge, W.S. Hughes  
and John Smiths' corner and runs

N.06 W. 32 poles

to a Chestnut

N.04 E. 11 "

to a Sourwood, the corner; then a conditional  
line

S.W. 28 "

to a Stake

S.40 E. 43½ "

to the BEGINING.

JOHN SMITH LAND.

DEED.

R.V.NATION ET.AL.

TO

JOHN SMITH

18 Acres.

DESCRIPTION.

Date

July 1st, 1903.

Reg

Book 24.p.435.

Swain County.

NEAR RAVENSFORD.

S.77 W. 14 poles

N.17 W. 44 "

N.17 W. 2 "

N.21 W. 14 poles to

N.24 W. 16 "

N.29 W. 24 "

N.45 W. 14 "

N.65 W. 4 "

N.39 E. 16 "

S.40 E. 52 "

S.17 E. 72 "

BEGINING at a Post Oak, W.S. Hughes' line, runs

to a Rock, Dean and Janes Parker's corner

to a Stake, Parker's and Nations' corner,  
near a branch, near the old barn place

to a Stake, Nations' corner

a Stake, on the bank of a branch

to a Beach, on bank of road

to a Rock, R.V. Nations' corner

to a Rock, on bank of road

to a Rock, on bank of road

to a White Oak, an old corner

to a Black Oak, Hughes' corner

to the BEGINING.