

DESCRIPTION OF THE BOUNDARY

OF THE

J.H. BRADLEY TRACT (78)

Lying on the West bank of the Ocona Lufty River about half way between Lambert Branch and Ravens' Fork.

Beginning at Corner 1, a 6" white oak on ridge top with a black oak witness, being a common corner to the C.W. Parker Tract (79), and the Ed Floyd Tract (88), running thence with the Floyd Tract (88).

N. 68-49 E.

4.50 Corner 2, a locust post scribed F.B.C. on top of ridge with a very old hickory witness, being Corner 1 of the Frank Cordell Tract (77), thence with the Cordell Tract (77), and the ridge meanders.

S. 60-17 E.

1.80 A Point.

S. 35-45 E.

3.18 A Point.

S. 27-26 E.

4.82 A Point.

S. 33-06 E.

4.06 A Point.

S. 7-06 W.

2.05 A Point.

S. 38-57 E.

6.40 Corner 3, a 6" sycamore scribed C. shown by J. H. Bradley as being where chestnut formerly stood, thence down the river with its meanders.

S. 14-53 W.

~~3.81~~ A Point.

S. 40-20 W.

7.55 A Point.

S. 63-55 W.

3.52 A Point.

S. 89-15 W.

3.06 A Point.

N. 51-01 W.

8.22 Corner 4, a beech on the river bank and common corner to the C.W. Parker Tract (79),

Thence, with the Parker Tract (79).

N. 6-54 E.

22.31 To the place of beginning, containing 35.24 acres.

Analysis of Title

Tract No. 78.

1. Tract No. 78 is covered by Grant No. 501 to Felix Walker, which is said to contain 2550 acres. This grant is dated May 9, 1795, see page 588 of Abstract of Tract No. 57.

2. On February 20, 1807, Felix Walker conveyed to Abram Enloe a tract of land containing 250 acres, which boundary includes the whole of tract No. 78. This deed is duly executed and is registered in Haywood County. Page 863 of Abstract of Tract No. 77.

3. On February 1, 1837, Abram Enloe conveyed to Wesley M. Enloe the aforesaid Tract of 250 acres by deed duly executed and registered in Haywood County. Page 864 of Abstract of Tract No. 77.

4. On April 15, 1865, Wesley M. Enloe conveyed to L. D. Addington a tract of land containing eighty acres, which includes Tract No. 78. This deed is duly executed and is registered in Jackson County.

5. On February 24, 1874, L. D. Addington and wife, V.A. Addington conveyed to J. J. Beck and J. L. Collins a tract of land containing eighty acres, being the same lands described in the foregoing deed. This deed is duly executed and is registered in Swain County. This deed covers Tract No. 78 as well as the eastern portion of Tract No. 79. The Grantee is described in the deed as J. J. Beck. It is intended, however, to convey the lands to H. J. Beck or Jackson Beck and J. L. Collins, the error is probably in copying. Page 880 of Abstract.

6. Thereafter H. J. or Jackson Beck dies, leaving as his heirs at law the persons mentioned in the affidavit of Geo. W. Beck on page 215-a of the Abstract of Tract No. 35.

7. On March 8, 1901, Rufus Beck, one of the heirs at law of H. J. Beck conveyed to J. H. Reagan his undivided one-sixteenth interest in fifty acres of land, same being Tract No. 78 by deed duly executed and registered in Swain County.

8. On March 7, 1901, J. M. Beck and Kimsey Beck and wife conveyed to J. H. Reagan their two-sixteenth undivided interest in fifty acres of land, same being Tract No. 78 by deed duly executed and registered in Swain County.

9. On May 16, 1902, S. L. Beck and wife, J. R. Beck and wife, J. H. Beck and wife, Besley Conner, Mill Beck and Zachary Beck conveyed to J. H. Reagan all their undivided interest in a tract of land described as containing forty acres more or less,

same being Tract No. 78 by deed duly executed and registered in Swain County. Page 483 of Abstract.

10. On February 28, 1902, Thomas Beck conveyed to J. H. Reagan his undivided one-sixteenth interest in the aforesaid lands by deed duly executed and registered in Swain County. Page 484 of Abstract.

11. On February 22, 1902, J.T. Beck conveyed to J. H. Reagan his undivided interest in the lands referred to above by deed duly executed and registered in Swain County. Page 485 of Abstract.

12. On October 24, 1901, Allen Beck and wife conveyed to J. H. Reagan his undivided interest in the aforesaid lands by deed duly executed and registered in Swain County. Page 486 of Abstract.

13. It appears from the foregoing deeds that J. H. Reagan has now acquired title of an undivided twelve-sixteenths interest in said lands; and accordingly on June 7, 1902 he instituted a special proceeding before the clerk of the Superior Court of Swain County against George Beck, Walter Beck, Sallie Beck, May Maney, Hanes Maney, Flora Maney and Lee Maney for the purpose of partitioning the said land among the several tenants in common. The petitioner alleges that J. H. Reagan is the owner of an undivided twelve-sixteenths interest and that George Beck owns a one-sixteenth interest and that Walter Beck owns a one-sixteenth interest and that Sallie Beck is the owner of a one-sixteenth interest and that May Maney, Hanes Maney and Flora Maney each have an undivided one-forty-eighth interest thereof. Accordingly Commissioners were appointed and the lands were divided, tract No. 1 being assigned jointly to May, Hanes and Flora Maney; tract No. 2 to Sallie Beck; tract No. 3 to Walter Beck; tract No. 4 to George Beck and tract No. 5 to J. H. Reagan. The report of the Commissioners was duly confirmed and approved. Page 489 of Abstract.

14. Thereafter on or about July 23, 1926, George Beck, single, conveyed share No. 4 allotted to him as aforesaid to J. H. Reagan by deed duly executed and recorded in Swain County. Page 493 of Abstract.

15. On January 16, 1908, Walter Beck conveyed to J. H. Reagan share No. 3 being the share allotted to him as aforesaid by deed duly executed and recorded in Swain County. Page 494 of Abstract.

16. On October 20, 1913, J. H. Reagan and wife conveyed to D.F. Connor a tract of land containing 43 acres, same being Tract No. 78 by deed duly executed and recorded in Swain County. Page 495 of Abstract.

17. On May 5, 1923, D.F. Connor and wife conveyed the same tract of land to James H. Bradley by deed duly executed and recorded in Swain County. Page 496 of Abstract.

18. On April 4, 1917, D.F. Connor and wife granted to the Champion Fibre Company a right of way over and through the lands of the parties of the first part, thirty feet in width. Page 497 of Abstract.

19. Again on August 17, 1922, D.F. Connor and wife executed another deed for a thirty foot right of way over and through their lands with such additional lands as may be necessary for the construction of said tracts, grantee being given the right to designate the route of said railroad over and through said lands.

20. By careful reading of the description of the deed of Walter Beck to J. H. Reagan it will be seen that the lands embraced in said deed were not included in the subsequent conveyances from J. H. Reagan to D. F. Connor, and from D. F. Connor to James H. Bradley. Page 896 of Abstract. The deed of J. H. Reagan to D. F. Connor begins on a beech, the south west corner of lot No. 4 allotted by the Commissioners to George Beck; so that this deed seems only to include lot No. 4 and does not include lot No. 3, which was allotted to Walter Beck and by him conveyed to J. H. Reagan. The Southwest corner of lot No. 3 is a dogwood; and if the parties intended to include both lots 3 and 4 in the conveyance from Reagan to Connor, they should have begun upon the dogwood rather than the beech. However, we are informed that there is no disagreement as to the dividing line between tracts 78 and 79. It is quite possible that the Commissioners in making up a report of their division could have become confused about some of these corners and it may be possible that both lots 3 and 4 lie east of the line running north from the beech, and if so no further conveyances would be necessary. We further find upon examination that J. H. Reagan has never conveyed lot No. 3 to the owners of Tract No. 79; so that lot No. 3 is not a part of Tract No. 79 in any event but is intended to be a part of Tract No. 78. If there is no controversy between the parties as stated, over the dividing line, then a quit claim deed from J. H. Reagan to James Bradley for Lot No. 3 which was assigned to Walter Beck is all that is necessary to perfect this title.

21. By reference to the Abstract of this tract it appears that L. D. Addington conveyed 80 acres of land to Jackson Beck and J. L. Collins on February 24, 1874. The grantees in said deed divided the lands equally between themselves, J. L. Collins taking the west half and Jackson Beck the east half; but so far as the records disclose, no deeds were executed from one to the other. Beck treated his half as his own and Collins did likewise. After Beck's death, J. H. Reagan bought the shares of twelve of Jackson Beck's heirs and after making such purchases, then he instituted the proceeding for division, twelve-sixteenths being allotted to J. H. Reagan and four-sixteenths being allotted to the other heirs at law of Jackson Beck. After the division and the report of the Commissioners, J. H. Reagan proceeded to buy the two shares allotted to Walter Beck and George Beck respectively; and it is the share to Walter Beck which seems not to have been included in his conveyance to D. F. Connor and in the conveyance of D. F. Connor to James H. Bradley.

It appears, therefore, that J. L. Collins or his heirs-at law are the owners of an undivided one-half interest in the James H. Bradley Tract No. 78, unless and except said James H. Bradley has acquired title thereto by reason of long continuous and adverse possession of the premises under color of the several deeds to him and to his predecessors in title. The partition of the Beck lands was had in the year 1902; so that it has been more than twenty-one years since the assertion of sole ownership by the predecessors in title of the said James H. Bradley.

ABSTRACT OF DEED OR GRANT

	In Preamble	As Signed	As Acknowledged
Grantors	Wesley M. Embury	<i>Copied</i>	
Grantees	L. D. Adington		

- Kind of Conveyance *Quit Claim*
- Date of Conveyance *4-15-65*
- Is it properly executed *yes*
- Date of Entry and No.
- Before what Officer acknowledged *CCC*
- Acknowledgments, regular *yes*
- If irregular, copy in full on back
- Did all grantors acknowledge *yes*
- Date of acknowledgment *4-24-65*
- Was privy examination of wife taken
- Did officer affix Seal *no*
- Was order of probate correct *yes*
- Does conveyance contain covenants—
- Date of filing for record *4-24-65*
- (a) of seizin *no*
- Book *4* Page *46*
- (b) power to convey *no*
- for *Jackson* County.
- (c) against encumbrances *no*
- Does deed contain any special limitations, provisions or restrictions *executed in lieu of a lost deed*
- (d) against claims of all others *no*
- Habendum clause (Quote fully) *To have & to hold with all woods, ways & water and every appurtenance thereto belonging to me in any way & through the appurtenances of the said Wesley M. Embury to have and to hold with the appurtenances unto the said L. D. Adington, his heirs and assigns forever.*

Exact Description of Property

On the Oconalufly River — Beg. on a bunch of maples on the bank of said river & run N. 70° E. to a stake & small chestnut on the side of a mountain in the Hide line; then S. 65° E. 18 ft to 2 small hickory on the top of a ridge; thence with the top of the ridge East to a small hickory, a corner of J. M. McConnell's land; then with the top of the ridge with McConnell's line S. 45° E. 20 fathoms to a stake; then S. 30° E. 44 ft to a stake; then S. 38° E. 20 ft to a small cypress on the bank of the river near the said Adington's house; thence down with the meanders of the river to the beg., Cont 80 A.

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.

J. H. Reagan

vs

George Beck

Walter Beck

Sallie Beck and

Harriett Beck, Gdn. ad litem

May Maney

Henes Maney

Flora Maney and

Lee Maney, Guardian ad litem

1. Court Superior County Swain
2. Kind of action Special Proceeding-Partition
3. Date of filing 6-7-1902
4. Date of filing *lis pendens*
5. Judgment recorded in Book 1 Page 142-147

PROCEEDINGS

SUMMONS:

The Summons entitled as above bears date of June 7, 1902 and bears the following endorsement of service, viz:

"Received June 12, 1902

Served June 13th, 1902

(Signed) S. A. DeHart

Sheriff Swain County

Per H. K. Cass, D.S."

PETITION:

Omitting the title said Petition is in words and figures as follows:

"To the Superior Court of Swain County:

Your petitioner complains and alleges:

1. That the above named plaintiff and defendants are tenants in common and are in possession of the following described lands lying and being in the County and State aforesaid adjoining the lands of Mrs. Sarah Parfsh, the said tract being known as the Adington tract and containing about forty acres.

2. That the interest of the petitioners in said land as individuals is as follows, to-wit: that the plaintiff is entitled to twelve sixteenths of said land that George Beck, Walter Beck and Sallie Beck are each entitled to one-sixteenth and that May

Money, Hanes Maney and Flora Maney are each entitled to one-forty-eight thereof.

3. That George Beck, Walter Beck, Sellie Beck, May Maney, Hanes Maney and Flora Maney are minor heirs without a guardian.

4. That the petitioners desire to hold their several interests in said land or the proceeds thereof in severalty. Wherefore your petitioner prays, that you appoint three Commissioners to allot to each one shares thereof as each is entitled to and if an equal division cannot be made otherwise then to charge the more valuable dividends with such sums as they shall judge meet and proper to be paid to the dividends of inferior value in order to make the division equal and to report their proceedings under their hands and seals as soon as practicable into your Court.

This the 7th day of June, 1902.

(Signed) BRYSON & BLACK
Attys for Petitioner.

ORDER:

The petition in this cause being heard, it is ordered by the Court that: W. H. Queen, J. A. Chambers, Dock Connor, 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 of the Petitioners one lot in severalty and if equal share 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 the dividends 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 being sworn by a Justice of the Peace or other person authorized to administer oaths shall divide the said lands. The Commissioners are empowered to employ the County Surveyor or in his absence or if he be connected with the parties, 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 the report of the Commissioners 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 describe particularly the land or parcels of land divided and the share allotted to each tenant with the sums charged on the more valuable dividends and to whom paid.

This the 14th day of June, 1902.

(Signed) A. J. HALL,
Clerk Superior Court

State of North Carolina.

Swain County.

We, the undersigned Commissioners appointed by the Court to make partition of the tract of land to the Petitioners, said land known as Beck's Adington Place, met on the premises as per summons on the 4th day of July 1902 and after being sworn and appointed by W. P. Hyde Surveyor proceeded as follows:

Beginning at a stake on bank of Oona Luffy River near the Saunock Ford and run North 5 East 90 poles with Sarah Paris line to a stake on top of a ridge then South 70 East 16 poles to a stake on ridge then North 60 East 12 poles to a stake thence North 75 East 6 poles to a hickory thence South 45 East 20 poles to a stake on top of ridge thence South 30 East 44 poles to a stake on ridge thence South 38 East 24 poles to a stake on bank of river then South 10° West 19 poles to a maple on bank of river thence South 30 West 33 poles to a Maple on bank of river thence South 65 West 11 poles to a persimmon thence North 75 West 8 poles to a Spruce Pine then North 70 West 60 poles to the beginning containing 42 acres.

Then proceeded to ascertain valuation and equalize value of the whole and found that Six acres on the lower end of said tract was equal in value to twelve acres of the balance of the tract as in the whole, therefore we made partition as follows: Beginning on a stake on the river bank same as original and run North 5 East with Sarah Parris line 90 poles to a stake on top of ridge thence South 70 East 2.7 poles to a white oak thence South 5 West 90 poles to a bead bush on bank of river thence North 70 West 2.7 poles to the beginning containing that part assigned to May Maney, Hayes Maney and Flora Maney.

Second part as follows: Beginning on a bead bush on the bank of river

Corner of Lot No. 1 and runs North 5 East with line of No. 1, 90 poles to a White Oak on top of the ridge then South 70 East 2.7 poles to a stake on said ridge then South 5 West 90 poles to a dogwood on bank of river then North 70 West 2.7 poles to the beginning containing that portion assigned to Sallie Beck.

Third part: Beginning at a dogwood on bank of river the corner of Second lot and runs North 5 East with the line of Second lot 90 poles to a stake on top of ridge thence South 70 East 2.7 poles to a White Oak on said ridge thence South 5 West 90 poles to a beech on bank of river thence North 70 West 2.7 poles to the beginning containing that part assigned to Walter Beck.

Fourth part: Beginning on a beech on bank of river corner of Third lot and runs North 5 East with line of Third lot 90 poles to a White Oak on top of ridge then South 70 East 2.7 poles to a sourwood, thence South 5 West 90 poles to an Alder on bank of river, then North 70 West 2.7 poles to the beginning containing that part assigned to George Beck.

Fifth Tract: Beginning on a red alder on bank of river at a corner of No. 4 and runs North 5 East with line of Four, 90 poles to a sourwood on top of ridge in Sarah Parris' line thence South 70 East 5 poles to a stake on said ridge then North 60 East 12 poles to a stake on said ridge thence North 75 East 6 poles to a hickory thence South 45 East 20 poles to a stake on said ridge thence South 30 East 44 poles to a stake on said ridge thence South 38 East 24 poles to a stake on bank of river then South 10 West 19 poles to a Maple on bank of river thence South 30 West 33 poles to a Maple on bank of river thence South 65 West 11 poles to a Persimmon on bank of river thence North 75 West 8 poles to a Spruce Pine on bank of river thence North 70 West 48 poles to the beginning containing 12/16 in value of the whole tract and being that part assigned to J. H. Reagan, Assignee of twelve heirs .

In witness whereof we have hereunto set our hands and seals
on the day and year above written.

Respectfully submitted.

1 Day	W. H. Queen	(Seal)
1 Day	J. A. Chambers	(Seal)
1 Day	D. F. Conner	(Seal)

This the 14th day of July 1902.

State of North Carolina.

Swain County.

I, A. J. Hall, do hereby certify that the foregoing is a true
and accurate copy of the report of Commissioners to divide lands of Reagan
and Beck. Therefore let the report and this certificate be registered.

This November 1st, 1902.

A. J. Hall, Clerk of the Superior Court

Filed for record November 3rd, 1902.

North Carolina)	PARTITION PROCEEDINGS
)	
Swain County)	DECREE
)	
)	J. H. REAGAN VS. HARRIETT BECK.

It appearing to the Court that W. H. Queen, 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 this report
in this Court on the 14th day of July 1902 and no objection being filed by
the parties within 20 days allowed by law from the filing of said report, it

is therefore decreed by the Court that the report be and the same is hereby in all respects confirmed and it is further ordered that said report and plat appended be enrolled in the records of this Court and the same together with this Decree be certified to the Register of Deeds of Swain County to the end that he may record the same in his Office. The said Decree is hereby adjudged to be binding between said tenants in common, their heirs and assigns. It is also adjudged that the costs of this Proceeding be paid by the parties as follows:

J. H. Reagan	\$7.57
Harriett Beck, Guardian	.62
Lee Maney	.20

This the 23rd day of October, 1902.

A. J. Hall, Clerk of the Superior Court.

The Order and Proceedings of the Clerk of the Superior Court in this action is hereby approved and in all things confirmed. October 28th, 1902.

M. H. Justice, Judge Presiding and holding Court
of the 16th District.

North Carolina.

Swain County.

I, A. J. Hall, Clerk of the Superior Court, do hereby certify that the foregoing is a true copy of the Decree of Confirmation of the Report of W. H. Queen, J. A. Chambers and D. F. Conner, Commissioners to divide the lands between J. H. Reagan vs. Beck Heirs. Therefore let the Decree with this Certificate be registered, this 21st day of November 1902.

A. J. Hall, Clerk of the Superior Court.

Filed for Registration November 3rd, 1902. The foregoing Proceedings are registered in Book 23 pages 460-462.

ATTORNEY'S CERTIFICATE AND OPINION

Tract No. 78.

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

J. H. Bradley

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. On account of the failure of J. L. Collins to convey his undivided one-half interest in Tract No. 78 to H. J. Beck, we are dependent for title as against the said J. L. Collins or his heirs at law, upon possession under color. After Jackson Beck's death J. H. Reagan purchased the shares of twelve of his children after which he instituted proceedings before the Clerk of the Superior Court of Swain County for a division of the said lands as between himself and the remaining four heirs at law. In this partition he asserted sole title in himself and the heirs at law of Jackson Beck, ignoring the interest, if any, of J. L. Collins. We think that such an assertion of sole ownership on the part of the predecessors in title of James H. Bradley has put into operation the running of the statute limitations; and since more than twenty-five years has elapsed since the filing of such petition, we are of opinion that the interest of J. L. Collins or his heirs at law if any, has been acquired by such possession under color. Reference is hereby particularly made to Paragraphs 20 and 21 of the Analysis of Title of this Tract.

2. Attention is also called to the failure on the part of J. H. Reagan to include lot No. 3, which was assigned to Walter Beck in his deed of October 30, 1913 to D.F. Connor; and also the failure of D.F. Connor to include same in his deed to James H. Bradley as stated in paragraphs 20 and 21 of the Analysis of Title, it may be possible that there is no error on the ground and that the beech may be the southwest corner of Tract No. 78 rather than the dogwood, which is designated as the southwest corner of share No. 3, allotted to Walter Beck. In any event it seems to us that a quit claim deed from J. H. Reagan to J. H. Bradley would be sufficient to cure this irregularity.

3. On April 4, 1917, D.F. Connor and wife granted to the Champion Fibre Company a right of way over and through the lands known as Tract No. 78. This right of way is thirty feet in width. See page 897 of Abstract.

4. Again on August 17, 1922, D.F. Connor and wife executed another deed for thirty foot right of way over the lands embraced in Tract No. 78. See page 896 of Abstract.

2.7 ft. x 90 ft. assigned to
 Mary Murrey, Henry Murrey
 T. F. Murrey } Deed to James Brashley
 2.7 ft. x 90 ft. assigned to
 Ballie Bert Murrey }

12/16 Allotted to J. H. Reagan
 1/16 " " " " " " " " " " " "
 1/16 " " " " " " " " " " " "

Detlef Wulke
 2-20-1807
 H $\frac{1}{481}$ 250 ft. 6 in ⁽⁸⁾

Abram Enloe
 2-1-37
 H $\frac{1}{481}$ 250 ft. 6 in ⁽⁸⁾

Wesley W. Enloe
 4-15-63

J. $\frac{1}{481}$ 80 ft.

L. D. Addington
 2-28-72

$\frac{1}{109}$ 80 acres

J. H. Reagan & J. L. Calhoun

W. H. L. Green
 J. H. C. L. Green
 J. H. C. L. Green

$\frac{23}{480}$ 10-23-02
 62 acres

J. H. Reagan & J. L. Calhoun

Refugee Book

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3-7-01
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54

43.4

James H. Bradley

Prove Convergence
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Judgments run on their
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STATE OF NORTH CAROLINA

Swain

COUNTY. }

THIS DEED, Made this 21st day of March A.D. 1929, by and between
J. H. Bradley and wife, Caroline
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 -----Forty-six hundred----- (\$4,600.00) 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 Luffy Township Swain County, State of North Carolina, particularly described as follows, viz.:

Tract No. 78:

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 west bank of the Ocona Luffy River about half way between Lambert Branch and Raven's Fork, BEGINNING at Corner 1, a 6" white oak on ridge top with a black oak witness, being a common corner to the C. W. Parker Tract (79), and the Ed Floyd Tract (88), running; thence with the Floyd Tract (88), North 68-49 East 4.50 chains, Corner 2, a locust post scribed F.B.C. on top of ridge with a very old hickory witness, being Corner 1 of the Frank Cordell Tract (77); thence, with the Cordell Tract (77), and the ridge meanders South 60-17 East 1.80 chains; South 55-45 East 3.18 chains; South 27-26 East 4.82 chains; South 53-06 East 4.06 chains; South 7-06 West 2.05 chains; South 38-57 East 6.40 chains, corner 3, a 6" sycamore scribed C. shown by J. H. Bradley as being where chestnut formerly stood; thence down the river with its meanders South 14-53 West 3.81 chains; South 40-20 West 7.55 chains; South 63-55 West 3.52 chains; South 89-15 West 3.06 chains; North 51-01 West 8.22 chains, Corner 4, a beech on the river bank and common corner to the C. W. Parker Tract (79); thence, with the Parker Tract (79) North 6-54 East 22.31 chains to the place of beginning, containing 55.24 acres.

Also all other pieces, parcels or lots of land or interests 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

} *J. H. Bradley* (Seal)

Caroline Bradley (Seal)

(Seal)

(Seal)

STATE OF NORTH CAROLINA Swain County.

I, Will W. Wiggins, a Notary Public

do hereby certify that J. H. Bradley

and Caroline Bradley

his wife, personally appeared before me this day and acknowledged the due execution of the foregoing instrument; and the said Caroline Bradley, 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 Notarial seal this 21st day of March, A.D. 1929

Will W. Wiggins
Notary Public.

My commission expires December 19, 1930.



TRACT No. 78

Warranty Deed

J. H. Bradley and wife

TO

THE STATE OF NORTH CAROLINA

Consideration - - - \$ 4,600.00

Dated 21st day of March, 1929

Filed for registration on the 21st
day of March, 1929, at 10:15

o'clock P. M., and registered in the office
of the Register of Deeds for

Swain
County, North Carolina, on the 21st
day of March, 1929, in Book
No. 558 of Deeds, at page 333

Ellis B. Swannelle
Register of Deeds.

FEES.

C.S.C. fee 25 due

STATE OF NORTH CAROLINA Swain County.

The foregoing certificate of Will W. Wiggins
a Notary Public

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

This 21st day of March A.D. 1929

U. A. Browning, Clerk Superior Court

ATTORNEY'S CERTIFICATE AND OPINION

Tract No. 78

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

J. H. Bradley

.....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. On account of the failure of J. L. Collins to convey his undivided one-half interest in Tract No. 78 to H.J. Beck, we are dependent for title as against the said J. L. Collins or his heirs at law, upon possession under color. After Jackson Beck's death J. H. Reagan purchased the shares of twelve of his children after which he instituted proceedings before the Clerk of the Superior Court of Swain County for a division of the said lands as between himself and the remaining four heirs at law. In this partition he asserted sole title in himself and the heirs at law of Jackson Beck, ignoring the interest, if any, of J. L. Collins. We think that such an assertion of sole ownership on the part of the predecessors in title of James H. Bradley has put into operation the running of the statute limitations; and since more than twenty-five years has elapsed since the filing of such petition, we are of opinion that the interest of J. L. Collins or his heirs at law if any, has been acquired by such possession under color. Reference is hereby particularly made to Paragraphs 20 and 21 of the Analysis of Title of this Tract.

2. Attention is also called to the failure on the part of J. H. Reagan to include lot No. 3, which was assigned to Walter Beck in his deed of October 30, 1913 to D. F. Connor; and also the failure of D. F. Connor to include same in his deed to James H. Bradley as stated in paragraphs 20 and 21 of the Analysis of Title, it may be possible that there is no error on the ground and that the beech may be the southwest corner of Tract No. 78 rather than the dogwood, which is designated as the southwest corner of share No. 3 allotted to Walter Beck. In any event it seems to us that a quit claim deed from J. H. Reagan to J. H. Bradley would be sufficient to cure this irregularity.

3. Taxes for the year 1928, amounting to \$ _____ are unpaid and outstanding.

(Copy of original)

This 15th day of December, 1929.

Worth M. Kinney
Attorney

Address

REPORT ON THE J. H. BRADLEY TRACT - NO. 78.

Location:

This property is located near Cherokee, N. C., on the waters of Oconalufly River, bounded by the river on one side. A public road, which is a good road, runs through the place. It adjoins the lands of Mrs. Ora H. Dougherty and other home owners near the Cherokee Indian School.

Description:

This is a good farm, containing 15 acres of river bottom, a good house and barn, well watered and pasture land that has been in grass for many years. It is occupied by the owner. The woodlands have been cut over, but are valuable for the farm.

Improvements:

There is a five room frame house, a six stall frame barn, concrete apple house and other good out-buildings, all in good condition, and serviceable for many years to come.

Valuation:

Contains 35.24 acres.

The values are analyzed as follows:

5 room frame house	\$745.00
6 stall frame barn	400.00
Crib and sheds	30.00
Store and apple house	200.00
15 acres River bottom land	3,000.00
1 1/2 acres cultivatable hillside land	30.00
3 acres pasture land	45.00
15 acres cutover wood land	150.00
TOTAL	\$4,600.00

This is the price agreed on and the appraisers feel it is well worth it. In fact, a farm of this character and location could easily sell for more money, and we earnestly recommend the purchase of this property.