

Roane & Varner

EVERYTHING FOR EVERYBODY

WHITTIER, N. C.

May 27, 1932

Mr. Woodbury,
C/o North Carolina Park Commission,
Asheville, N.C.

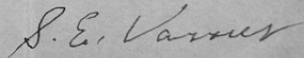
Dear Mr. Woodbury:

Our Church had a Meeting of the Quarterly Conference at Bryson City, N.C. on May the 14th. and appointed three Trustees to handle the matter of the Oona Lufty Church with your Commission. The ~~Committee~~ Trustees named were J. Robert Long of Bryson City, H.G. Furguson of Whittier and myself. We are now ready to meet with you at a time and place designate by you. We would like to have the meeting inside the next two or three days and if you will advise me, I will advise the other members of the time and place.

With kind personal regards, I am,

Yours very truly,

S.E. Varner



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 S. DAWSON, KINSTON
PLATO D. EBBS, ASHEVILLE
R. T. FOUNTAIN, ROCKY MOUNT

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

J. A. HARDISON, WAGENBORG
STUART W. CRAMER, JR., CRAMERTON
J. ELMER LONG, DURHAM
HARRY L. NETTLES, BALTHORE
E. S. PARKER, JR., GREENSBORO
MARK SQUIRES, LENOIR

May 30, 1932.

Mr. H. K. Sanders,
P O Box 1232,
Asheville, N. C.

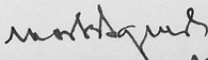
Dear Sir:

Confirming my telephone conversation with you this morning, I am entirely willing for Mr. Woodbury to go down and make the best deal possible with the Methodist Church in regard to the Ravensford Church and Cemetery which was condemned in the name of the Floyds. Whatever definite arrangements he arrives at I will approve.

I also call your attention to the fact that Wednesday is the first day of June and that two of the offices ought to be vacated on that date to save rent.

I wish you would make me a copy of the audit that was made of the Great Smoky Mountains, Inc. I shall need more than I have in my office to present my case.

Yours very truly,


MARK SQUIRES

REPORT OF W. H. WOODBURY ON TRIP
TO BRYSON CITY, MAY 31, 1932, TO
INVESTIGATE THE QUESTION OF THE
SMOKEMONT METHODIST CHURCH, AT
RAVENSFORD, LOCATED ON TRACT #91.

The Methodist Conference appointed Mr. J. Robert Long, of Bryson City, and Mr. H. G. Ferguson and Mr. S. E. Varner, of Whittier, trustees to handle this matter, and in accordance with their request, I met with them in regard to this matter. I found myself unable to trade with them, as they positively told me they were not authorized to accept a price less than \$500.00 and a return of the pews that had been taken out of the church and given away.

They also put a new light on the situation, stating that Mr. Jack Coburn and Mr. Long presented this matter to Attorney Zebulon Weaver, at Bryson City, who, they claimed, agreed to see that their interest was protected in the condemnation suit against the Floyds, as this property was originally part of the Floyd Estate and claimed by the Floyds. This threw an entirely new light on the question, and if the matter is as they state, then I do not see anything else to do but to submit to their demands.

On the other hand, the only information that I have ever had of it was the discovery by Mr. Wilburn, in checking over the records, that this property had evidently been overlooked when the Floyd condemnation suit was brought, and that, as it was included in the area condemned, the State of North Carolina has deeded it to the United States Government, and the Park Ranger tore down the old building and sold it for \$66.00, turning the money into the Government, and evidently giving away the pews, for it appears they are still in existence around the neighborhood.

Respectfully submitted,

W. H. Woodbury.

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

June 1, 1932.

Mr. J. Robt. Long,
Bryson City, N. C.

Dear Mr. Long:

Since meeting you gentlemen yesterday, I have made a full report to the Commission as to the matter of the Smokemont Methodist Church at Ravensford, setting forth your views and the proposition which you offered. Doubtless, they will take the matter up with you, and in any event if you have any occasion to write about it, please write direct to the Park Commission here as I will be away.

with appreciation
I want to express to you the straight-forward statement that was made me in regard to the above matter and assure that I was not wise to the situation before meeting you, and while I feel perhaps that the price you named is a little steep, considering the condition of the building, even though your contention is correct, yet I always try to appreciate the other fellow's view, and trust that this matter will be adjusted to the satisfaction of all.

Yours truly,

W. H. Woodbury.

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

June 3, 1932.

Mr. Mark Squires,
Lenoir, N. C.

Dear Mr. Squires:

Answering your letter of June 2, the facts in regard to the Methodist Church on the Floyd property seem to be as follows:

1. Our abstracts show a deed from S. A. Floyd to A. Mingus, W. Cooper, W. M. Enloe, S. L. Monteith, dated August 14, 1895, wherein the party of the first part conveys to the parties of the second part, as trustees, for the purposes of building a church thereon, a tract of land containing 2 acres. (See Abstract Book 4, page ____).

2. Our abstracts, in describing the F. F. Floyd Tract No. 91, show an exception, being the Methodist Church Lot, calling for 2.95 acres. (See Abstract Book 4, page 225).

3. The above mentioned trustees (or their successors) were not made parties to the Floyd condemnation suit. In fact, this church lot is not mentioned in the case and is not excepted in the description. The description of Tract No. 91 used in the petition called for 647.14 acres, which is inclusive of the 2.95 acre tract.

4. Adjoining the church lot, on the C. C. Nations Tract No. 109, is a graveyard, which was excepted in the deed from T. C. Queen and wife, M. M. Queen, to C. C. Nations, dated October 2, 1922. No description by metes and bounds appears of record, nor was this graveyard ever surveyed by us. The title remains in the Queen Heirs. Book 1, P. 839

From the above, it will be noted that although the church lot was actually included in the description of Tract No. 91, as condemned, the holders of the legal title were not made parties to the cause.

In regard to the Queen graveyard, Mr. Woodbury informs me that it will be useless to attempt any further nego-

NORTH CAROLINA PARK COMMISSION

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J. ELMER LONG, DURHAM
HARRY L. NETTLES, BETHUNE
E. S. PARKER, JR., GREENSBORO
MARK SQUIRES, LENOIR

Lenoir, N. C.
June 2, 1932.

North Carolina Park Commission
Box 1232
Asheville, N. C.

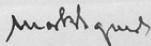
Gentlemen:

I have been busily engaged in court and have consequently not been able to do much work on your end of the line.

In regard to the Ravensford church and school, I think it highly important to ascertain whether they were in the original condemnation against Floyds, and whether the church ever really had a deed for the land or not. It might have been one of the frequent cases of possession without title.

I will be in Asheville early in the week and will talk with you more fully about the matter at that time.

Very truly yours,



MARK SQUIRES

Whittier, N.C.

July 9, 1932.

North Carolina Park Commission,
308 City Building, box 1232,
Asheville, N.C.

Dear Sirs:-

Please refer to copy of letter written Mr. J. Robert Long, Bryson City, N.C. by Mr. W. H. Woodbury on June 1st. 1932, relative to our Methodist Church and lot near Ravensford, N.C.

In this letter, Mr. Woodbury stated that your Commission would take the matter up with us, but to this date, we have heard nothing whatever, altho, it has now been about forty days since the receipt of that letter.

At a meeting of The Quarterly Conference of Whittier and Bryson City Charges, held in May, Mr. J. Robert Long, Bryson City and Mr. H. G. Ferguson and the writer at Whittier were appointed as Trustees to confer with you and make the deed for the property, provided we could agree. We accordingly met with Mr. W. H. Woodbury on the 31st. and May and submitted him our proposition which we considered to be just and fair and which is **ABSOLUTELY THE LEAST PRICE WE CAN NAME FOR THIS PROPERTY**, but Mr. Woodbury would not even listen to our proposition, so it has now reached the place where we **MUST** have some ~~action~~ action in the matter.

You transferred our property to the U.S. Govt., or Park and they, in turn, sold our Church Building, gave away our seats etc- and we **MUST HAVE PAY FOR OUR CHURCH AND LOT**, or have possession of it.

We certainly want to be reasonable and in this case, we have been very reasonable, but something **MUST** be done. Our people are after us wanting to know why we do not get something done about the matter, and we have explained to them that we were waiting on your Commission and felt sure that we would hear something from you at once about the matter.

We do not like to have to start suit in this matter, but unless something is done inside the next week, we have agreed to proceed.

Thanking you in advance for your consideration in this matter and trusting to hear from you by return mail, we are,

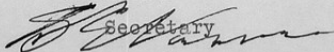
Yours very truly,

Board of Trustees

S. E. Varner

By

Secretary



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

July 12, 1932.

Mr. S. E. Varner, Secretary
Board of Trustees,
Ravensford Methodist Church,
Whittier, N. C.

Dear Sir:

Your letter of July 9 is received.

Mr. W. H. Woodbury is no longer affiliated with the North Carolina Park Commission, and since the severance of his connection with us, Mr. Mark Squires, of Lenoir, N. C., Chairman of the Commission, has had active charge of all negotiations for the purchase of park lands.

Your matter has been held in abeyance until such time as would be convenient for Mr. Squires to make a trip to Asheville for the purpose of concluding all outstanding transactions. However, as you request prompt action, we are today forwarding a copy of your letter to Mr. Squires for his attention. You will hear from him very shortly in regard to your property.

Very truly yours,

NORTH CAROLINA PARK COMMISSION

By

July 18th, 1932.

Mr. S. E. Varner, Secretary
Board of Trustees
Ravenafoord Methodist Church
Whittier, North Carolina

Dear Sir:

I have a copy of your letter of July 9th to the North Carolina Park Commission. I have been in active charge of the negotiations for Park lands for sometime, but unfortunately have been sick since July 5th. I am out now, but have not gained sufficient strength to enable me to promise to come to Bryson City. I hope, however, to come up that way within the next week, to which time I suggest that your action be deferred as you will gain nothing thereby.

Yours very truly,

Mark Squires:s

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

July 23, 1932.

Mr. McKinley Edwards,
Bryson City, N. C.

Dear Mr. Edwards:

I am enclosing copies of correspondence in regard to the Ravensford Methodist Church property, which are self-explanatory.

Will you please ascertain the information requested therein and reply to this office, as sometimes preachers are inaccurate as to legal matters?

Very truly yours,

Mark Squires,
Chairman.

MS:S
Encls.

P. S. Your voucher for fees has been sent to the Attorney General for approval.

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

July 23, 1932.

Mr. S. E. Varner,
Whittier, N. C.

Dear Sir:

In the event that the Executive
Committee should decide to pay the claim
of the Ravensford Methodist Church, to
whom should the check be made and by whom
should the deed be signed?

Very truly yours,

Mark Squires,
Chairman.

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

July 23, 1932.

Rev. L. B. Hayes, Presiding Elder
Waynesville District,
Waynesville, N. C.

My dear Sir:

In the event that the Executive
Committee should decide to pay the claim
of the Ravensford Methodist Church, to
whom should the check be made and by whom
should the deed be signed?

Very truly yours,

Mark Squires,
Chairman.

ROANE & VARNER

GENERAL MERCHANDISE

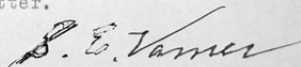
WHITTIER, N. C. July 27, 1932

Mr. Mark Squires,
Chmn. North Carolina Park Commission,
308 City Building,
Asheville, N.C.
Dear Sir:-

I am in receipt of your letter of the 23rd., and beg to advise that J. Robert Long, H. G. Ferguson and S. E. Varner, were appointed by The Quarterly Conference, as Trustees, to make a Deed for this property and the check should be made to these trustees. The Deed will be signed by them and at the proper time, we can furnish you with a copy of the minutes of the Quarterly Conference which appointed these trustees etc., so that you will know that it has been done in a legal way.

Will appreciate prompt action on this, as our Church Membership is getting rather impatient about this matter.

Yours very truly,


S. E. VARNER.

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

July 28, 1932.

Mr. S. E. Varner,
Whittier, N. C.

Dear Sir:

In the matter of the Smokemont Church property, it will be necessary for us to have the correct name of the church and a copy of the resolutions authorizing a sale thereof.

Upon receipt of this information, we will make out the deed and send it to you for execution.

Very truly yours,

Mark Squires,
Chairman.

ROANE & VARNER

GENERAL MERCHANDISE

WHITTIER, N. C. July 30, 1932

Mr. Mark Squires,
Chmn. N.C. Park Commission,
308 City Building,
P.O. Box ~~1232~~, 1232,
Asheville, N.C.

Dear Sir: I am in receipt of your letter of the 28th., and am handing you herewith the information you requested.

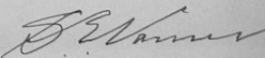
The name of the Church was "Oconalufty Methodist Church" and the Trustees to ~~sell~~ sell are J. Robert Long, Swain County, N.C. S.E. Varner, Swain County, N.C. and H.G. Ferguson, Jackson County, N.C.

I am sending you, also, a certified copy of the Minutes of the Called Meeting of the Quarterly Conference.

Kindly forward Deed-with check made out to above Trustees-to The Bryson City Bank, Bryson City, N.C. and have them to deliver check to us ~~xxxxx~~ when Deed is properly signed.

Thanking you, I am,

Yours very truly,
S.E. VARNER.



EDWARDS & LEATHERWOOD
ATTORNEYS AT LAW
BRYSON CITY, N. C.

August 1, 1932

Hon. Mark Squires,
Asheville, N. C.

Dear Mr. Squires:

In reply to your letter of July 23 in regard to the Ravensford Methodist church property I would have written you sooner but have had considerable trouble in finding the deed to the church property.

The title is conveyed to "A. Mingus, U. Cooper, W. M. Enloe and S. L. Monteith and their successors in office (Trustees for the Methodist Episcopal Church South)." These Trustees as we are informed are all dead, and we have been unable to get the names of their successors in office, but you may have their names in your files, if not, advise me and I will get them for you. In view of the way the deed is made I take it that the Trustees now in office could convey the property and that check should be made to them.

Yours truly,

McKinley Edwards

McKinley Edwards

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

August 3, 1932.

Mr. Mark Squires,
Lenoir, N. C.

Dear Mr. Squires:

In the matter of the Oconalufty Methodist Church, it has developed that the Trustees of this church were made parties, by leave of the court, on June 24, 1930, in the condemnation proceeding brought in Buncombe County, entitled "State of North Carolina vs. F. F. Floyd, et al."

A final judgment in this cause was entered by the Clerk on January 27, 1930, and the respondents referred to above, in their answer filed June 24, 1930, contend that they are entitled to a part of the award made for the lands condemned in this proceeding.

The Floyds appealed to the Superior Court, and the case came on for trial at Second April Term, 1931, of Buncombe Superior Court, resulting in the entry of a consent judgment allowing the sum of \$80,000.00 for the lands condemned.

Mr. Zebulon Weaver informs me that he had several talks about this with Mr. J. E. Coburn, who at that time was Chairman of the Board of Trustees. He recollects that he also showed the judgment to Mr. Coburn, who agreed to see the Clerk about getting their part of the compensation. Mr. Weaver is of the opinion that they are barred by the above mentioned judgments.

In view of the above state of facts, I am holding up the settlement of this matter until you have had time to study the record.

Very truly yours,

H. K. Sanders.

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

August 9, 1932.

Mr. S. E. Varner,
Whittier, N. C.

In re: Oconalufy Methodist Church

Dear Sir:

Since my former correspondence with you, we have found that the Trustees of Oconalufy Methodist Church were made parties to a proceeding for condemnation, and that they filed an answer by J. E. Coburn, J. Robert Long and R. P. Abbott, Trustees. A copy of the answer is on file in our office, but was unknown to me at the time of my former letter.

The matter has arrived at the place where I am not prepared to render final opinion, but will have to submit the matter to the Attorney General.

It now seems that if there is any fault to find, same lies elsewhere.

If you will call at our office, we will gladly show you copies of the papers connected with the proceeding.

Very truly yours,

Mark Squires,
Chairman.

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

August 19, 1932.

Mr. Mark Squires,
Lenoir, N. C.

Dear Mr. Squires:

Rev. L. B. Hayes, of Waynesville, telephoned the office today in regard to the Oconalufty Methodist Church. He asked me to tell you that the price of \$500.00 would only stand until September 1st, and that after that, he could not say what action they would take.

I expected you over today and planned to tell you this in person, but am writing this note to let you know how the matter stands.

Very truly yours,

H. K. Sanders

Lenoir, North Carolina

August 24, 1932

Rev. L. B. Hayes
Waynesville, N. C.

Dear Sir:

I have your letter of August 20 addressed to me at Asheville. Since writing you before I have investigated the records and find the trustees of the Church were made parties and filed answer, and thereafter the money was paid into the court.

I understand that by some method and because of them having filed answer, a different set of trustees were appointed with the end and intent that they should not live up to the promises made by their predecessors.

I have talked with the attorney general of North Carolina about the matter and he is of the opinion that our title is good and concurs in the conclusion arrived at by the local attorneys.

Very truly yours,

Mark Squires, Chairman

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

September 15, 1932.

Rev. L. B. Hayes,
Waynesville, N. C.

Dear Sir:

Your letter addressed to the undersigned has been received.

Representing the State of North Carolina, neither the Park Commission nor any of the state officers desire any controversy, but the facts are of record, and we could only follow the direction of the law officers of the state. It occurs to me that you have the choice of remedies as follows:-

1. A suit against the Clerk of the Superior Court of Buncombe County for wrongfully paying out money in which your parishioners had an interest.
2. A suit against the trustees whom you allege to have been unfaithful and who filed an answer without authority, according to your statement.

On the record the United States has a perfect title to the property, and you are at liberty to proceed to Washington with your grievance, if so advised.

Very truly yours,

Mark Squires,
Chairman.

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

September 24, 1932.

Mr. S. E. Varner,
Whittier, N. C.

In re: Oconalufy Methodist Church

Dear Sir:

Following our conversation of yesterday, I want to impress upon you the fact that the position of the Commission is one of business and not of personalities. We are following the advice of the Attorney General, since Mr. Weaver has not been attorney for the Commission from the date of his election to Congress.

The opinions of law expressed to you yesterday are my own and those of the Attorney General.

If you desire to submit the matter to the federal authorities, please have copies of the papers made and send them to me, inasmuch as those having authority will not give an opinion unless it is requested by competent authority.

Yours very truly,

Mark Squires,
Chairman.

Lenoir, N. C.,

October 8, 1932.

Hon. S. W. Black,
Attorney at law,
Bryson City, N. C.

Dear Sir:

I have received your letter relative to the Smokemont Church. This matter has caused more talk than anything in the entire park boundary, not excepting E. A. Gaskill.

My judgment is that the Park Commission is free and clear in law of any claims of Bishop Cannon, the Methodist Church, or otherwise, as to the Floyd lands, but before I make a definite statement to you to that effect, I want to talk with Mr. Zebulon Weaver for the benefit of his views.

It can at least be said that the State of North Carolina can take no unfair advantage, and it can, with equal propriety, be asserted that the Church of the Living God ought to live up to its obligations.

Your clients were in a very belligerent mood the other day and were not in a humor to discuss the case as it should be. One C. M. Pickens was Presiding Elder when J. E. Coburn and his co-trustees, who filed the answer, were appointed at a special quarterly conference held at Bryson City. One of the trustees had a copy of the minutes. I should like to see a copy of these minutes before making up my mind.

With assurances of esteem, I am

Very sincerely yours,

Mark Squires,
Chairman.

State of North Carolina
Department of Attorney General
Raleigh

DENNIS G. BRUMMITT, ATTORNEY GENERAL
ASSISTANT ATTORNEYS GENERAL:
A. A. F. SEAWELL
WALTER D. SILER

12 November 1932

Mr. Mark Squires, Chairman,
Lenoir, N. C.

Dear Sir:

I am in receipt of your letter of October 31, regarding
Ravensford Church.

What do these people claim?

I think I would approve a compromise settlement in
order to dispose of it for us on the basis of "buying
our peace".

Yours very truly,

Dennis G. Brummitt

Attorney General.

B/A.

April 26, 1933

North Carolina Park Commission
Asheville
North Carolina

Gentlemen:

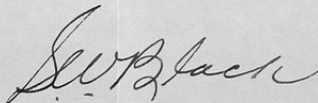
In re: Ocona Lufty Methodist Church Property

I understand from Mr. Zebulon Weaver that some arrangement was discussed between him and the Park Commission relative to settlement of the claim of the Church for its property on Mingus' Creek that was taken by the Park Commission without compensation being awarded. The claim for this property which the District Conference agreed to accept is \$500.00.

This matter was turned over by the Church to me for adjustment nearly a year ago, and, unless something definite is done soon, I will have to take the matter up with the Park authorities in Washington.

Kindly let me hear from you as promptly as possible.

Yours truly,

A handwritten signature in dark ink, appearing to read 'S. W. Black', written in a cursive style.

S. W. BLACK

SWB:W

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

May 1, 1933.

Mr. S. W. Black,
Attorney-at-law,
Bryson City, N. C.

Re: Oconalufly Methodist Church Property.

Dear Sir:

Your letter of April 26 in regard to the above matter is received.

Of course, you realize that the money for the entire Floyd property, including the above, was paid into the office of the Clerk of the Superior Court of Buncombe County; and we understand that all or most of it has been withdrawn by the Floyds.

In order to settle your claim, we shall make an attempt to have the Floyds pay back the money which should rightfully be paid to your clients, or at least endeavor to establish the Floyds' joint liability with the Park Commission for the payment of your claim.

We believe that the matter can be amicably settled, without resorting to the park authorities in Washington, as that would only tend to create more red tape.

We know that this matter has been pending for a long time, but if you will be patient with us a little longer, we shall make every effort to reach a satisfactory settlement with you.

Very truly yours,

NORTH CAROLINA PARK COMMISSION

By

STANLEY W. BLACK
ATTORNEY-AT-LAW
BRYSON CITY, N. C

June 10, 1933

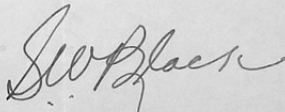
North Carolina Park Commission
308 City Building
Asheville, North Carolina

Gentlemen:

Re: Ocona Lufty Church Property (Methodist)

I have had no word from you in regard to the above matter since May first. My clients have just about lost patience with the way this matter has been handled. Their property was deeded to the Government without the Park Commission ever acquiring title, and, unless something is done toward adjusting the matter, I am going to write the Park authorities in Washington and request that they have some adjustment of the matter made. The price these people offered to take for the property, \$500.00, was reasonable, in my opinion, and they have been kept out of the use of either their property or their money for the last two or three years. Unless I hear something very favorable, I shall take the matter up with Washington within the next week or ten days.

Yours truly,



SWB:WA

S. W. BLACK

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

June 12, 1933.

Hon. S. W. Black,
Attorney-at-law,
Bryson City, N. C.

Re: Ocona Lufty Methodist Church Property

Dear Mr. Black:

No action has been taken in this matter pending the appointment by the Governor of the new Park Commission. We have been expecting notice of these appointments daily.

I assure you that this will be one of the very first matters called to the attention of the new commission. Although the price named in your letter has been considered somewhat high by our appraisers and their attorneys, nevertheless, your proposition will be submitted to the commission for immediate disposition.

The moment some decision is reached, I shall be glad to notify you.

Your patience in this matter is indeed greatly appreciated.

Very truly yours,

NORTH CAROLINA PARK COMMISSION

By

Office Manager.

STANLEY W. BLACK
ATTORNEY AT LAW
BRYSON CITY, N. C.

May 3, 1934

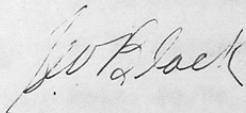
Mr. A. Hall Johnston
Attorney at Law
Asheville, North Carolina

Dear Hall:

Re: Floyd Chapel, or Mingus Creek, Methodist Church

As suggested, I have prepared Petition, Order, and
Issues in the above matter, and am herewith enclosing
you copies of the same.

Yours very truly,



SWB:W
Enclosures

S. W. BLACK

NORTH CAROLINA,
BUNCOMBE COUNTY.

IN THE SUPERIOR COURT
MAY TERM - 1934

STATE OF NORTH CAROLINA,

Petitioner,

-vs-

FINAL JUDGMENT

AS TO

S. E. VARNER, J. ROBERT

LONG and P. H. FERGUSON,

Trustees for FLOYD CHAPEL,

or MINGUS CREEK METHODIST

EPISCOPAL CHURCH, SOUTH.

F. F. FLOYD, EDD FLOYD and wife, MARY
FLOYD; HATTIE HAYES and husband, J. C.
HAYES; P. L. HYDE (Widow); R. P. HYDE;
GUY WEAVER and wife, ETHEL T. WEAVER;
HARRIS-WOODBURY LUMBER COMPANY, a
Corporation; HEIRS-AT-LAW OF SARAH

ANGELINE FLOYD, viz.:

LILLIE M. RHYMER and husband, W. M.
RHYMER, H. T. FLOYD and wife, JANE
FLOYD, ADDIE M. MILLER and husband,
J. F. MILLER, A. H. FLOYD and wife,
PEARLE FLOYD, A. S. FLOYD, W. W.
FLOYD and wife, KATIE FLOYD, ELLEN
SCOTT and husband, CHARLES SCOTT,
MISS JESS ENLOE, CUMI ENLOE MASON
and husband, CHARLES MASON;

HEIRS-AT-LAW of S. A. MONTGITH (Names
unknown); HEIRS-AT-LAW OF MARGARET
BROWN (Names unknown); HEIRS-AT-LAW
OF W. H. QUEEN, viz.:

S. A. QUEEN (Widow), T. C. QUEEN
and wife, MARIAM QUEEN, CANDLER
QUEEN and wife; HENRY QUEEN, MARY
FLOYD and husband, EDD FLOYD,
LAWRENCE PARKER and husband, VERNON
PARKER, COLEMAN QUEEN and wife,
OTENNA QUEEN, RUFUS B. QUEEN, AVE
AMSBERRY and husband, M. H. AMSBERRY;

CITIZENS BANK OF BRYSON CITY, a Corpora-
tion; MERCHANTS AND MANUFACTURERS BANK,
a Corporation; I. J. COOPER LUMBER COM-
PANY (Whether Partnership or Corporation
is not known); MCKINLEY EDWARDS, Trustee;
HUGH N. LAMBERT; T. C. QUEEN, Trustee;
L. C. CONNOR; GARDEN CITY GUMMED PAPER
COMPANY, a Corporation; G. C. CAMPBELL
and wife, U. C. CAMPBELL; J. S. CAMPBELL
and wife, M. E. CAMPBELL; J. P. CAMPBELL
and wife, E. J. CAMPBELL; T. E. CAMPBELL
and wife, L. K. CAMPBELL; and S. E.
VARNER, J. ROBERT LONG and P. H. FERGUSON,
Trustees for FLOYD CHAPEL, or MINGUS
CREEK METHODIST EPISCOPAL CHURCH, SOUTH,

Respondents.

This cause coming on to be heard and being heard before

HIS HONOR, MICHAEL SCHENCK, JUDGE PRESIDING, and a Jury, at the

May Term, 1934, of the Superior Court of Buncombe County, North Carolina, and the following issues having been submitted to the Jury:

- "1. Are the Respondents, S. E. Varner, J. Robert Long and P. H. Ferguson, Trustees, the owners in fee simple of the lands described in their Answer?"
- "2. What was the fair and reasonable market value of said lands at the date of the institution of this proceeding?"

And the Jury having answered the first issue "Yes," and the second issue "\$500.00":

IT IS, THEREUPON, CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT that the Respondents, S. E. Varner, J. Robert Long and P. H. Ferguson, Trustees, have and recover of the Petitioner, the State of North Carolina, the sum of \$500.00, together with the costs of this action, to be taxed by the Clerk.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT as follows:

I.

That the sum of \$500.00 be paid into the office of the Clerk of the Superior Court of Buncombe County, as the award for the lands, premises and real estate described in the answer heretofore filed in this proceeding by said Respondents, or their predecessors in office, and also hereinafter more particularly described. The said Clerk of the Superior Court of Buncombe County shall thereupon pay said sum to S. E. Varner, J. Robert Long and P. H. Ferguson, Trustees for Floyd Chapel, or Mingus Creek, Methodist Episcopal Church, South, the payment of said money and the receipt of the records in the Clerk's office by Hon. S. W. Black, Attorney of Record for said Respondents, shall be deemed a sufficient acquittance to the Petitioner, and shall also be deemed a sufficient acquittance to the Clerk of the Superior Court of Bun-

combe County for the payment of said sum in satisfaction of the award for the said lands, premises and real estate.

II.

That the lands described herein lie wholly within the boundaries of the proposed Great Smoky Mountains National Park, as defined and delineated in the Act of the General Assembly of North Carolina, entitled "An Act to Provide for the Acquisition of Parks and Recreational Facilities in the Great-Smoky Mountains of North Carolina," ratified on the 25th day of February, 1927, the same being Chapter 48, of the Public Laws of North Carolina, Session of 1927, and particularly in Section 4 of said Act, and that all of said lands embraced within the area of 214,000 acres of land situate in the State of North Carolina designated by the Secretary of the Interior of the United States, under authority of the Act of Congress mentioned in the Statute aforesaid, namely, Chapter 48, Public Laws of North Carolina, Session of 1927, as properly constituting a portion of the said Great Smoky Mountains National Park, all of which will more particularly appear by reference to said Act of Congress and to said Chapter 48, Public Laws of North Carolina, Session of 1927, aforementioned, together with the additional lands included in said Park area by Chapter 220, Public Laws of North Carolina, Session of 1929, and thereafter duly approved by Act of Congress.

III.

That the right of eminent domain appertains to and resides in the Petitioner as a sovereign State, and that the Petitioner has those other and further rights and powers to condemn and appropriate the lands described in the petition filed in this cause for the purposes in said petition mentioned and enumerated under and by virtue of the statutes aforementioned.

IV.

That it is both lawful and necessary for the petitioner to condemn the lands described in the original petition for the purposes therein expressed and declared and that the Petitioner is entitled to the relief demanded in said petition.

V.

That upon the payment into Court by the Petitioner of the sum of money aforesaid, as hereinbefore and hereby required, the title to all and singular the lands, premises and real estate described in the petition and in the answer of the Respondents hereinbefore referred to, and hereinafter more particularly described, shall, eo instanti, pass to and vest in the Petitioner, the State of North Carolina, in fee simple, for the uses and purposes expressed and declared in said petition and in Chapter 48, Public Laws of North Carolina, Session of 1927, free and discharged of and from all adverse claims, liens and encumbrances whatsoever, and the Respondents and all other persons whomsoever, as well as such person or persons not parties to this proceeding, if any, as the parties hereto, are forever barred from claiming or asserting any manner of estate or interest in said lands, either legal or equitable, whatsoever.

VI.

That the lands described in the petition and in the answer hereinbefore referred to, title to which, through and by virtue of this judgment, becomes vested in the petitioner, the State of North Carolina, are more fully and particularly described, as follows:

DESCRIPTION OF THE BOUNDARY OF THE
FLOYD CHAPEL, OR MINGUS CREEK METHO-
DIST EPISCOPAL CHURCH, SOUTH, TRACT

Being Exception No. 1 to the F. F. Floyd Tract No. 91,
as shown by the survey made by the North Carolina Park
Commission.

BEGINNING at Corner 1, a stake at an ironwood stump on the West Bank of the Ocona Luffy River. Thence, N. 52° 26' W., 2.73 chains, Corner 2, a stake; Thence, N. 27° 37' E., 1.39 chains, Corner 3, a stake; Thence, N. 53° 07' W., 1.47 chains, Corner 4, a stake; Thence, 0° 57' W., 2.21 chains, Corner 5, a stake in C. C. Nations' line at the edge of cemetery. Thence, with the C. C. Nations Tract, S. 88° 22' E., 6.75 chains, Corner 6, a point in the road, which is Corner 15 of the W. H. Queen Tract (56). Thence, with the Queen Tract (56), S. 87° 21' E., 2.64 chains, Corner 7, a stake on the west bank of Ocona Luffy River. Thence, down the west bank of the river with its meanders, S. 51° 26' W., 7.91 chains, a point. S. 24° 00' W., .82 chains, the place of BEGINNING, containing 2.95 acres.

VII.

And that the petitioner shall pay the costs of this proceeding, to be taxed by the Clerk.

This 8th day of May, 1934.

(SIGNED) MICHAEL SCHENCK

Judge Presiding.

NORTH CAROLINA,
BUNCOMBE COUNTY.

IN THE SUPERIOR COURT.

STATE OF NORTH CAROLINA,

Petitioner,

-vs-

^{and}
F. F. FLOYD; S. E. VARNER,
J. ROBERT LONG and P. H.
FERGUSON, Trustees for FLOYD
CHAPEL, or MINGUS CREEK,
METHODIST EPISCOPAL CHURCH,
SOUTH, et al.,

Respondents.

C E R T I F I C A T E

I, J. B. Cain, Clerk of the Superior Court
of Buncombe County, North Carolina, do hereby certify
that the foregoing is a true and perfect copy of the FINAL
JUDGMENT entered by his Honor, Michael Schenck, Judge Pre-
siding, at the May Term, 1934, of the Superior Court of
Buncombe County, in the above entitled cause, as the same
appears on file and record in my office.

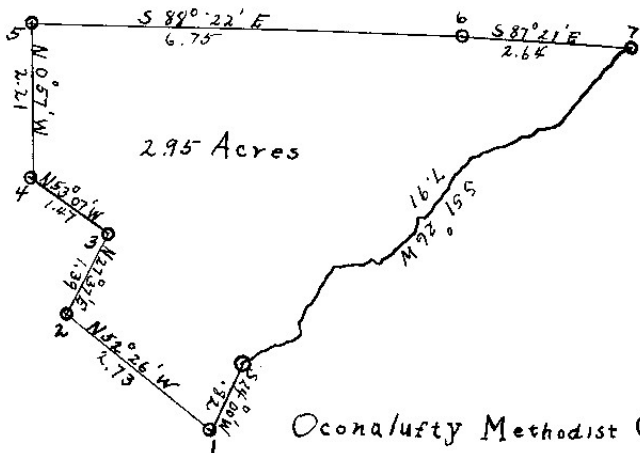
IN WITNESS WHEREOF, I have hereunto set my
hand and official seal, this the 9th day of May, 1934.

J. B. Cain
Clerk Superior Court,
Buncombe County, North Carolina.

North Carolina,
Swain County.

The foregoing certificate of J.B. Cain, C.S.C. of
Buncombe County, is adjudged to be correct. Therefore
let the instrument together with these certificates
be registered. This May 17, 1934.

U.A. Browning
Clerk Superior Court.



Drawn by H.K. SANDERS - 1933.

WAYNESVILLE DISTRICT
LEONIDAS B. HAYES, PRESIDING ELDER
WAYNESVILLE, NORTH CAROLINA

N.C. Park Com, Mark Squires, Chm.

Ashville, N.C.

Dear Mr. Squires:

The trustees of the
church property about which you
inquire are S.E. Varner, Chm. J.R.
Long and H.P. Ferguson. They are duly
authorized by action of the Quarterly
Conference to see the property. If you
wish I'll also sign the deed. I think
the check should be made to "Mr. S.E.
Varner, ^{Chm.}" and sent to me. Two churches
will share in the proceeds and I
think I can best handle the matter
for all concerned.

Since it appears that the Park Com-
sould sold our church and accepted pay
for it when they did not own it, it
seems best close this matter as soon
as possible. Very truly yours, L.B. Hayes