

True North

95  
546847E-5.76  
N110.52W-1.73  
584245E  
10.40  
BB a  
N83°25'W  
12.20  
N56°01'W-6.59  
N29°37'W-8.40

90 b

Mingus

Hickory Flat Branch

Creek

# SMOKY MTN. PARK

VANCE GIBSON TRACT  
29.09 ACRES  
SCALE 1"=20 CHAINS

94

- Improvements
- Cleared Land
- Custom timberland

SURVEYED 1927  
BY W. M. SLOAN

2 - old houses practically worthless.

No one living in them & not fit to live in.  
Consider them as worthless.

Good Spring. A few apple trees.

About ten acres cleared, of which  
one acre is good level land along road.

Balance cleared land, gentle to moderate  
slopes.

Woodland cut clean, later bins swept.

Estimated Value

10 acres cleared @ 15 = 150

19 acres woodland @ 5 95

5 apple trees @ 2 10  
255 =

NORTH CAROLINA PARK COMMISSION

ASHEVILLE? N.C.

REPORT ON THE VANCE GIBSON TRACT NO. 94.

Location of Tract: This tract is located on Mingus Creek, a tributary of Ocona Lufty River, flowing into the river at Ravensford. It adjoins the lands of Floyd heirs and others; about four miles from the mouth of Mingus Creek.

Description of Tract: This tract has been used for a home place by the owner and is a poor mountain farm, at present the most of the land is laying out, only about two acres being cultivated. About ten acres of old grass fields lie on a moderate slope and are suitable for cultivation; the balance of the lands are in wood heavily cut over.

Improvements: One old box house in very poor condition and one log house almost as bad. A good spring and two old sheds.

Valuation: This tract contains 29.09 acres and it is hard to justify the price agreed on with the owner. In fact we do not think it is worth the sum agreed on; but the tax value is \$800.00 and has been carried at this for many years, and there did not seem to be any way to avoid paying this price.

Therefore, the appraisers ask that \$800.00 be allowed for the purchase.

Analysis of Title

Tract No. 94.

Tract No. 94 is composed in part of the northwest corner of Grant No. 470, possibly a small strip at the southwest side of Grant No. 471 and is covered by Grant No. 12664. Nearly all of the area included in Tract No. 94 is covered by State Grant No. 969, originally issued to E. B. Olmsted. Grant No. 470 and 471 are senior in title to No. 969 but that portion of Tract No. 94, lying within Grant 969 and not covered by Grant 470 or 471 would be junior in title to that of No. 969 and the title of Vance Gibson, the present owner to that portion of 969 would not be good unless satisfactory evidence of possession could be secured. My information is that such possession exists. These grants and the chain of title under each of them will be discussed in order.

G R A N T N O. 470.

1. Grant No. 470 was issued to Hamilton S. Mingus on the 25th day of November 1850 and conveyed a tract of one hundred acres which includes that part of Tract No. 94 containing about twenty acres lying in the northwest corner of Grant No. 470. Grant 470 is fully set out in the Abstract of Tract No. 90-b at page 244.

2. No deed has been found from Hamilton Mingus covering Grant No. 470.

3. The next conveyance affecting this twenty acres, a portion of Tract No. 94, is a deed from A. Mingus to J. E. Nations dated in 1894 and registered in Swain County. This deed conveys the extreme northwestern portion of Grant No. 470. It is probable that Mingus acquired title to this tract in some way by descent from Hamilton Mingus, but evidence as to this should be secured if possible. At present the records do not disclose how the title became vested in A. Mingus. Page 574 of Abstract.

4. By deed dated March 17, 1894, J. E. Nations conveyed the same twenty acre tract, part of Grant 470, to W.A. McLaughlin. In the preamble only the name of J. E. Nations, as the grantor is given. The deed, however, is signed by Mary Nations and her privy examination as the wife of J. E. Nations is taken. This would not be sufficient, however, to constitute it her deed and if she is still living it would be necessary to secure a quit claim deed from her in order to bar any her dower interest. Page 575 of Abstract.

5. By deed dated May 9, 1906, W. A. McLaughlin conveyed to O. W. Hyatt the same twenty acre tract. This deed mentions W.A. McLaughlin only as the grantor but is signed by Mary Jane McLaughlin and her privy examination as the wife of W.A. McLaughlin was taken. If she is still living, a quit claim deed should be secured to cover her dower interest. This deed is recorded in Swain County. Page 576 of Abstract.

6. By deed dated December 7, 1907, O. W. Hyatt and wife May Hyatt conveyed to W. M. Hoyle, two tracts of land lying on Mingus Mill Creek, the first of said tracts covering the same twenty acres included in the above mentioned deeds. This deed is registered in Swain County, and is fully set out in Abstract of Tract No. 95, at page 157.

7. By deed dated October 29, 1909, W. M. Hoyle and wife, Minnie Hoyle, conveyed to Fate Watson a tract of land containing twenty-four acres, covering the twenty acre tract above mentioned in the foregoing grants. This deed is recorded in Swain County. Page 577 of Abstract.

8. By deed dated February 13, 1917, Fate Watson and wife, Anes Watson, conveyed the same twenty-four acre tract to Vance Gipson, the present claimant. This deed is recorded in Swain County. Page 578 of Abstract.

#### GRANT NO. 471.

9. Grant 471 was issued to W. M. Enloe on the 25th day of November, 1872 for one hundred acres. This grant apparently covers only a small portion of the land embraced within Tract 94. It is fully set out in the Abstract of Tract No. 95 at page 152.

10. By deed dated January 31, 1887, Wesley M. Enloe and wife, Malinda Enloe, conveyed to W. P. Hyde all of the land covered by Grant No. 471. This grant is recorded in Swain County and is set out, fully, in the Abstract of Tract 95, at page 153.

11. W. P. Hyde and wife, by deed dated February 4, 1892, conveyed to J. E. Nations a tract of land containing one hundred and one acres, being part of Grant 471. This deed is set out in the Abstract of Tract No. 95, at page 154.

12. By deed dated March 17, 1894, J. E. Nations conveyed to W.A. McLaughlin the same lands last above referred to. This deed contains in the preamble only the name of J. E. Nations, as the grantor. It is signed, however, by Mara Nations, wife of J. E. Nations, but is not acknowledged by her. If living, a quit claim deed should be secured from her to cover her dower interest. This deed is recorded in Swain County and is set out at page 155 of the Abstract of Tract No. 95.

13. By deed dated May 9, 1906, W.A. McLaughlin and wife, Mary Jane, conveyed to O. W. Hyatt a tract of land described as in the foregoing deed to said McLaughlin. This deed is recorded in

Swain County and is fully set out in the Abstract of Tract No. 95 at page 156.

14. By deed dated December 7, 1907, O.W. Hyatt conveyed to W. M. Hoyle, the two tracts of land, the second tract in the deed being the same as that mentioned in the last foregoing deed. This deed is set out in full in Abstract of Tract 95 at page 157 hereinbefore referred to.

G R A N T   N O .   12664.

15. This Grant was issued to R. P. Hyde, January 23, 1895, and covers the western portion of Tract No. 94. It is registered in Swain County. Page 579 of Abstract.

16. No deed is found from R.P. Hyde covering this tract but by deed dated February 14, 1889, W. P. Hyde and wife, S. E. Hyde, conveyed to A. N. Shaw and wife, M. A. Shaw, a tract of land containing eighty acres, which covers the western portion of Tract No. 94. Two of the calls in this deed are apparently incorrect and were corrected by subsequent deeds, but the tract as thus described would still include that portion of No. 94 lying west of the lines of Grant No. 470. This deed is recorded in Swain County. Page 580 of Abstract.

17. A. N. Shaw and wife, M. A. Shaw, conveyed this eighty acre tract of land by the same calls to W. H. Queen by deed dated February 26, 1890. The deed is recorded in Swain County. Abstract page 581.

18. W. H. Queen and wife, S. A. Queen, by deed dated July 18, 1896, conveyed the same eighty acre tract to T.D. Watson. The description in this deed omits the superfluous calls mentioned in the two last foregoing deeds. This deed is recorded in Swain County. Abstract page 582.

19. T.D. Watson, by deed dated January 19, 1919, conveyed a portion of the eighty acre tract above set out to George Green. This deed conveys a tract of nineteen acres including the western portion of Tract No. 94. In the preamble of this deed only the name of T.D. Watson is mentioned as the grantor. The deed, however, is signed by Mary Watson and her privy examination was taken. This, however, would not be sufficient to constitute it her deed and a quit claim deed would be necessary to convey her dower if she is still living. This deed is recorded in Swain County. Page 583 of Abstract.

20. George Green, by deed dated May 29, 1906, conveyed to A. W. Bridges the nineteen acre tract above described. Mattie Green, wife of George Green signs and acknowledges the deed and her privy examination is taken but she is not mentioned in the deed as one of the grantors and a quit claim should be secured from her to convey her dower interest, if she is still living. This deed is recorded in Swain County. Page 584 of Abstract.

21. A. W. Bridges and wife, Roxie Bridges, conveyed to J. J. Enloe, by deed dated July 1, 1912, the same tract containing nineteen acres. This deed is signed by both of the grantors but is only acknowledged by Roxie Bridges. A quit claim from A. W. Bridges would be necessary to cure this defect as far as the record title is involved. This deed is registered in Swain County. Page 585 of Abstract.

22. By deed dated April 16, 1907, P. L. Hyde conveys to Anderson Bridges a tract of land containing seventy-three acres, covering apparently a portion of Grant 12664. The calls of this deed, however, would include only a very small part of Tract No. 94, lying adjoining the northwestern corner of Grant 470 and southwestern corner of Grant 471. It is not clear, however, as to just how P. L. Hyde acquired this portion of said tract. This deed is recorded in Swain County. Page 586 of Abstract.

23. By mortgage dated February 22, 1908, Anderson Bridges conveyed to J. J. Enloe, the same tract of land mentioned in the last deed to secure an indebtedness of \$200.00. On the margin of the record is a statement that the mortgage is satisfied by a sale dated April 7, 1909. This statement is signed by J. J. Enloe, the mortgagee. This instrument is recorded in Swain County. Page of Abstract.

24. By deed dated March 20, 1909, J. J. Enloe, Mortgagee, conveyed to William Quiet, the lands mentioned and described in said mortgage and covering this small area of one and one-third acres hereinbefore mentioned, the whole tract containing seventy-three acre except a small portion mentioned lying outside of the lines of Tract No. 94. This deed recites the mortgage executed by Anderson Bridges and wife to said Enloe and that sale was made under the terms of said mortgage at the court house door in Bryson City on the 8th day of March, 1909, and that William Quiet became the last and highest bidder. This deed is recorded in Swain County. Page 588 of Abstract.

25. William Quiet and wife, Laura Quiet, by deed dated May 24, 1909, conveyed to J. J. Enloe the same tract of land mentioned in the last foregoing deed from J. J. Enloe to said Quiet. This deed is recorded in Swain County. Page 590 of Abstract.

26. By deed dated February 1, 1913, J. J. Enloe and wife, Lula Enloe, conveyed to G. L. Gipson, two tracts of land. The two tracts conveyed by this deed cover the nineteen acre tract hereinbefore mentioned including the western portion of Tract No. 94, and also a small tract of one and one-third acres hereinbefore referred to. This deed is recorded in Swain County. Page 591 of Abstract.

27. G. L. Gipson died intestate, seized of said land and left Mary Gipson and Minnie Bell Denton, wife of Sam Denton, and Vance Gipson as his heirs at law to whom his interest descended. An affidavit should be secured as to this descent.

28. By deed dated September 19, 1922, Mary Gibson and Sam Denton and wife, Minnie Bell Denton, conveyed to Vance Gibson the same two tracts of land, one containing nineteen acres and one one and three-fourths acres mentioned in the foregoing deed. This deed is recorded in Swain County. Page 592 of Abstract.

GRANT NO. 969.

29. Grant No. 969 was issued by the State of North Carolina to E. B. Olmsted on November 10, 1867 and calls for a tract of 1280 acres. This grant as hereinbefore stated covers a portion of Tract No. 94 on the western side of that portion of Tract No. 94, lying outside of Grant 470 and 471<sup>and</sup> is junior in title to Grant 969. The title to Grant 969 became vested in R. Y. McAden and on the — day of —, the heirs at law of R. Y. McAden executed a deed to Lloyd for a portion of the land covered by Grant 969, excepting, however, the nineteen acre tract and the one and one-third acre tract hereinbefore referred to in this Abstract. It would thus appear that the superior title of No. 969 as to these two tracts is still outstanding. My information is, however, that there has been sufficient adverse possession upon the nineteen acre tract and the one and one-third acre tract to mature title against the claimants under No. 969. This, however, should be made to appear by affidavit so that the status to the title may be determined. Page 594

30. A proceeding in the Superior Court of Macon County was instituted sometime prior to October 28, 1882 for the purpose of selling a large number of grants lying in several counties, title to which had been acquired by Rufus Y. McAden and through John H. McAden, Trustee. The Decree was rendered in this cause on May 28, 1882 appointing K. Elias as Commissioner and authorizing and empowering him to make sale of the lands described therein and to execute deeds to the purchasers thereof. Under and by virtue of this authority and power said K. Elias as such Commissioner sold the lands covered by Grant 969, containing 1280 acres to A. Rosenthal and made report thereof to the court which was in all things confirmed and a further decree was entered and empowering said K. Elias to execute and deliver a deed of conveyance to Rosenthal for said tract of land among a large number of other tracts. This proceeding is not recorded in Swain County but is of record in Macon County and will be found set out in full in the Abstract of the J. L. Stiles Tract No. 159.

31. Pursuant to this sale and decree, K. Elias, Commissioner by deed dated October 28, 1882 executed a deed to A. Rosenthal reciting the authority and power conferred by the proceeding hereinbefore mentioned and conveying among a large number of tracts, the lands covered by Grant No. 969, containing 1280 acres. This deed is recorded in Swain County and will be found set out in full on page — of the Abstract of Tract 159.

32. Also E. B. Olmsted, the original grantee in Grant 969, with his wife, M.E. Olmstead executed a deed to A. Rosenthal dated October 31, 1882, conveying the lands covered by Grant 967, containing 2560 acres and the lands covered by Grant 969 containing 1280 acres. This deed is recorded in Swain County and is set out on page of the Abstract of the J. L. Stiles Tract 159.

33. By deed dated 21st day of May, 1889, A. Rosenthal and wife, Henrietta Rosenthal, conveyed to J. H. McAden, Trustee, a large number of tracts of land described as being all the lands conveyed to said Rosenthal by K. Elias, Commissioner and by E. B. Olmsted and wife by their deeds, which would cover and include the lands covered by Grant 969. This deed is recorded in Swain County and will be found on page of the Abstract of said Tract 159.

34. It will be noted from the foregoing conveyances that the title to the lands covered by Grant 969 became vested in said J. H. McAden, Trustee for the heirs at law of R. Y. McAden, Deceased, whose names are set out in the suit in the Superior Court of Swain County hereinafter mentioned. It will be further seen that while that portion of Tract No. 94 acquired through T.D. Watson as set out in paragraph 19 of the foregoing Analysis of Title was vested in said Watson, Giles M. McAden, Henry M. McAden, Lucy McAden Bland and husband, C. A. Bland, Mary Davison and husband, Edward W. Davison, Ashby L. Baker, Rufus Y. McAden, James Thomas McAden and Bennie McAden and J. R. Thomas, General Guardian of the said James Thomas McAden and Bennie McAden instituted an action in the Superior Court of Swain County against J.S.F. Edwards, et al, including Thad D. Watson for the purpose of determining title to the lands claimed under Grant 969. A judgment was entered in that action at the July-August Term, 1905, under the terms of which the said T. D. Watson was determined to be the owner of the lands involved, containing eighty acres and including a portion of Tract No. 94, which decree removed any defect of title to that portion of the lands described in said decree and forming a part of Tract No. 94 acquired under Grant 969. Page 595 of Abstract.

# NORTH CAROLINA PARK COMMISSION

## ATTORNEY'S CERTIFICATE AND OPINION

### Tract No. 94.

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.....:

Vance Gibson

..... 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. Taxes.

2. It will appear from the Abstract that the wife of J. E. Nations did not properly execute a deed made by him to W.A. McLaughlin in 1894 for a portion of this tract. It, however, now appears from information received that Mary Nations, the wife of J. E. Nations, is now dead and as her failure to properly execute a deed would only affect her dower interest, this has now become immaterial.

3. The wife of W. A. McLaughlin did not properly execute a deed made by him to O. W. Hyatt for a portion of this tract in 1906, but as the wife of said McLaughlin is now dead and as this defect would only apply to her dower interest, this has now become immaterial.

4. The wife of T. D. Watson did not properly execute a deed made by him to George Green, January 19, 1919, but a quit claim deed has been prepared and said Watson has stated he would sign and execute this deed which will cure this defect.

5. A. W. Bridges and wife, Roxie Bridges, executed a deed to J.J. Brice for a small portion of this tract on July 1, 1912 and while A. W. Bridges signed the deed his acknowledgment does not appear of record. This tract, however, has been held in adverse possession against him since July 1, 1912 under color of title and we are of the opinion that this adverse possession has rendered this defect in the record title immaterial.

## RECEIPT FOR 1928 TAXES

OCONA LUFTY TOWNSHIP, SWAIN COUNTY, N. C.

No. 93

, 1929

RECEIVED of *Gipson V. D.*  
taxes for the year 1928, as follows:

County, School and Road Taxes - - - - - \$ 19.43

Poll - - - - - 2.00

Special School Tax - - - - -

Dog Tax - - - - -

Total - - - - - \$ 21.43

Valuation for Tax - - - - - \$

Less ..... %

Add ..... %

Total - - - - - \$

SEE OTHER SIDE FOR RATES.

*W. C. Martin*, Sheriff.

Per ..... , D. S.