

Analysis of Title

Tract No. 102.

Walter Beck--7.05 Acres.

1. The title to this tract is identical with the title to Tract No. 32 down to and including the will of H. J. Beck. Under the terms of this will he devised all of his lands lying West of the Ocona Luffy River to the children of his second wife, whose names are fully set out on page 6 of the Abstract of Tract No. 43. Subsequently a partition of this tract was undertaken to be made by H. K. Beck and John T. Beck, each claiming a one-third or two-sixths interest in this tract and L.A.W. Maney and the heirs of Etta Maney the other two-sixths. No deeds of conveyance were made between the respective parties for their interests in the lands so divided now was there any court proceeding to establish it. However, each entered into possession of their respective lands and used, occupied and conveyed the same upon the basis of full and complete ownership. Lot No. 3 was set apart to H. K. Beck.

2. H. K. Beck conveyed to Baker Ayers by deed registered in Book 38, page 112 a tract of forty-seven acres, covering all of Lot No. 3 lying South of the branch shown on the map, except a small area at the mouth of said branch. This deed is set out in Abstract of Tract No. 32 at page 55.

3. H. K. Beck also conveyed to L.A.W. Maney by deed registered in Book 24, page 167 a portion of said Lot No. 3 covering Tracts 39-a and the Northeast portion of Tract 102.

4. L.A.W. Maney then conveyed to Baker Ayers by deed registered in Book 43, page 57 the same tract of land described in the last named deed. This deed is set out on page 57 of the Abstract of Tract No. 32.

5. Baker Ayers died leaving nine children as his heirs at law and a widow, whose names are set out on page 40 of the Abstract of title to Tract No. 32.

6. The heirs of Baker Ayers by mesne conveyances conveyed their respective interests which became vested in C. A. Ayers by deeds set out in Abstract of title to Tract 32, pages 58 to 62.

7. C. A. Ayers and wife, S. B. Ayers by deed dated October 18, 1916 conveyed to Walter Beck and M. J. Ayers a tract of land containing fifteen acres. This deed includes Tracts 102, 39-a, 103 and 106. This deed is recorded in Swain County. Page 17 of this Abstract.

8. M. J. Ayers, one of the grantors in the foregoing deed from C. A. Ayers was the second wife of Baker Ayers and died leaving one child, a daughter. This daughter married Walter Beck, one of the grantees in said conveyance from C. A. Ayers. The interest of M. J. Ayers, therefore, descended upon the death of her mother, to the wife of said Walter Beck, thereby vesting title in said Walter Beck and his present wife.

9. However, we find a conveyance from Walter Beck and wife, May Beck to N. L. Beck, dated October 30, 1926, conveying a tract containing 1/20 of an acre. This small tract lies at the extreme Northeast corner of Tract 122 and just South of the Branch where it enters the Ocona Luffy River. The title to this tract is now outstanding in N. L. Beck.

# NORTH CAROLINA PARK COMMISSION

## ATTORNEY'S CERTIFICATE AND OPINION

Tract No. 102.

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.....:

Walter Beck

.....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. Subject to taxes.

2. This tract is subject to the same defect in the record title as that set out in Abstract of title to Tracts 47 and 32 growing out of an attempted partition of the lands of H. J. Beck, which had been devised by him to the children of his second wife. The facts in regard to this partition are set out in said tracts and fully stated in the opinion upon Tract 47, page \_\_\_\_\_. In order to cure this defect, it will be necessary to secure quit claim deeds from the following persons:

L.A.W. Maney  
Heirs at law of Etta Maney, Deceased.  
Allen Beck  
John T. Beck

3. Subject also to tract of 1/20th of an acre lying within the boundaries of Tract 102 as shown on the map, conveyed by Walter Beck and wife, May Beck to M. L. Beck by deed dated October 30, 1906 and registered in Book 55, page 28. This small tract lies in the extreme Northeast corner of tract 102 on the south side of the branch where it enters the Ocona Luffy River. This tract is outstanding in M. L. Beck.

# NORTH CAROLINA PARK COMMISSION

## ATTORNEY'S CERTIFICATE AND OPINION

Tr et No. 102-a

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.....:

Walter Beck and wife, May Beck

.....are seized in fee simple of a good and valid title to the same, subject only to any lien, charge or encumbrance shown in this abstract and listed hereon.

### ENCUMBRANCES

1. Subject to taxes.

2. This tract on the original map as set out is included within the boundaries of Tract 32, belonging to J. W. Wilson and J. T. Wilson. However, they do not claim this tract and the title is vested in Walter Beck and his wife, May Beck. It is subject to the same defects as tract 102. It was, however, included within the boundary lines of Lot No. 2 of the attempted partition between the devisees or those claiming under them in the will of H. J. Beck. In order to cure the defect in the record title it will be necessary to secure quit claim deeds for the interests of the following persons:

Allen Beck  
H. Kinsey Beck  
John T. Beck

Walter Beck died some months ago leaving, surviving him, as his only heirs at law the following named persons, to wit:

May Beck, widow

Lillian Beck, Minor 20 years old

Bernard Beck, Minor 18 years old

Bernita Beck, Minor 14 years old

Evlynn Beck, Minor 12 years old

Inez Beck, Minor 10 years old

Wilbur Beck, Minor 6 Years old.

All of the above reside at Smokemont, Swain County,  
North Carolina.

NORTH CAROLINA PARK COMMISSION

ASHEVILLE, N. C.

We beg to report that we visited the premises of the home tract of Walter Beck on October 31, 1929, and find as follows:

|  |                  |
|--|------------------|
| 2 acres good bottom land               | \$300.00         |
| 5 acres good upland                    | 250.00           |
| 39 apple trees                         | 195.00 ✓         |
| Garden fenced with woven wire          | 20.00            |
| 600 feet of water piping               | 40.00            |
| Woven wire fence around yard           | 10.00            |
| 1 5-room house                         | 600.00 ✓         |
| 1 smoke house and wood house           | 10.00            |
| 1 Crib two stories, screened with wire | 30.00            |
| 1 Closet                               | 10.00            |
| 1 4-stall barn                         | 50.00            |
| 1 hen house and pig pen                | 15.00            |
| Woven wire around two acres of land    | 20.00            |
|  | <u>\$1550.00</u> |

A. S. Patterson

W. C. Martin

1 Home \$500.  
 1 Barn 50.  
 2 Hens 20.  
 2 Hens 100.  
 2 Hens 60.  
 1 4-stall barn 50.  
 1 5-room house 600.  
 1 Smoke house and wood house 10.  
 1 Crib two stories, screened with wire 30.  
 1 Closet 10.  
 1 Hen house and pig pen 15.  
 2 Acres 1000.  
 5 Acres 250.  
 39 Apple trees 195.  
 Garden fenced with woven wire 20.  
 600 feet of water piping 40.  
 Woven wire fence around yard 10.  
 Woven wire around two acres of land 20.  
 Total \$1550.

# 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 G. DAWSON, KUNSTON  
PLATO D. EBBIS, ASHEVILLE  
R. T. FOUNTAIN, ROCKY MOUNT

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

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

Bryson City, N.C.

May 24, 1930.

Mr. W. H. Woodbury,  
Asheville,  
North Carolina.

Dear Mr. Woodbury, I am inclosing the names of the  
Walter Beck Heirs, who will be parties to the condem-  
nation.

Mr. Calhoun thinks that he will trade with  
them in a few days, and for this reason I think it  
best to bring this proceeding here. As you will see  
the children are all minors and I am of the opinion  
that the Guardian for these Minors would have to have  
a copy of the appointment and bond, which will have to  
be taken out in this County, transmitted and registered  
in Buncombe County, before they could get the money out  
of the Court; this would entail extra cost and trouble.  
If it was a matter in which we could get deed and  
settle the matter out of court, in case of a trade, it  
would not make any difference, but this will have to  
go through, as this is the easiest way in which to get  
title.

I should have furnished this information sooner  
but have been so busy, checking up the opinions, since  
Zeb left that I let slip my mind.

*Yours truly*

606 City Building,  
P. O. Box 1232,  
Asheville, N. C.  
August 21, 1930.

Mr. John C. Calhoun,  
Bryson City, N. C.

Dear Mr. Calhoun:

I am enclosing a copy of letter  
to Mr. Buchanan, which explains itself.

Below is the appraisal of the  
Walter Beck tract, #102, made by Buchanan, Bryson and  
Wilson:

|  |                  |
|--|------------------|
| 7 $\frac{1}{2}$ acres of land valued at----- | \$1050.00        |
| 4 acres mountain land at-----                | 125.00           |
| 5-room rough box house-----                  | 250.00           |
| 1 crib and barn-----                         | 100.00           |
| Total  | <u>\$1525.00</u> |

In the letter file you will find  
a copy of the appraisal of this tract made by Patterson  
and Martin, and I would be glad to have you submit this  
matter to Mr. Patterson and see if he can conscientiously  
revise his appraisal, and at the same time tell him  
that Walter Beck offered you this tract for \$1500.00.  
If necessary, I will be glad to have you take Messrs.  
Patterson and Martin, together with Mr. Snelson, to look  
over this tract again, or if you cannot get Patterson and  
Martin, take Mr. Snelson and a couple of other first-class  
men so as to be ready when the case comes up next Tuesday.  
In this case it would not be necessary to have any of the  
Sylva witnesses on this special case, as it makes it too  
expensive to have outside parties come down to testify  
on a special case.

Yours truly,

NORTH CAROLINA PARK COMMISSION.

By \_\_\_\_\_  
W. H. Woodbury,  
Purchasin



NORTH CAROLINA PARK COMMISSION

ASHEVILLE, N. C.

August 30, 1930.

REPORT ON THE WALTER BECK TRACT - NO. 102, 7.05 ACRES.

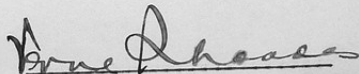
LOCATION: A small home tract at Smokemont.

DESCRIPTION: Small farm of largely level land, all cleared; part of the land, creek bottom, balance bench land.

IMPROVEMENTS: Five-room box house in good condition; an old frame barn and some outbuildings; two acres of bottom land that are productive, balance of the land being bench land and also productive; a small orchard on the place in good condition.

VALUATION: While trying to negotiate for this tract the owner died, and as a satisfactory trade could not be made with the heirs, the property was put into condemnation. Also it appeared that there was another small tract on the creek bank nearby that belonged to this party, and which was not shown in the survey. This was added to the condemnation proceedings. The commissioners' award on both tracts was \$1750.00, which we believe will be accepted, and which we believe to be a fair valuation.

Your approval of payment is asked if the award is accepted.



  
APPRAISERS.

APPROVED BY THE EXECUTIVE COMMITTEE  
NORTH CAROLINA PARK COMMISSION

# GEO. W. BECK

DEALER IN

GENERAL MERCHANDISE, GROCERIES  
HATS, CABS, SHOES, HARDWARE  
HIGHEST PRICES PAID FOR COUNTRY PRODUCE

SMOKEMONT, N. C. May 23 32.

Hon. Zebulon B. Weaver.

Washington, D.C.

Dear Zeb.

I want to ask you for a little advice, if you have no objections.

It is this, as you know the state condemned Mrs Walter Beck home and left the money in the hands of the clerk of the court, and now she is not getting any interest on the money and having to pay rent on the place, do you think that is a fair deal,

It looks to me that the state would have to arrange for her to get that money so she could buy her another home, she has selected her a place in Clay County and I went over this last week and looked the place over and find it is worth what she is to give for it, now I want to know what steps to take to get her money, you know it is hard for her to make a bond here for the money as there is none of us who can make a bond as we have no real estate,

I was wondering if it was not the states place to get it in shape for her to get the money.

It sure is not just to take the home and then put her to the trouble of getting the matters fixed up through the courts as she has no money to spend in that way.

Will you please advise me just what can be done.

Yours truly.

*Geo W Beck*

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

May 27, 1932.

Hon. Zebulon Weaver,  
House of Representatives,  
Washington, D. C.

Dear Zeb.:

Glad to have your letter of the 25th, and shall be pleased to hear from you later as you suggest.

In regard to the George W. Beck letter, which I am returning to you, with regard to which you ask for information as to the Mrs. Walter Beck home, this money is deposited with the Clerk of Swain Superior Court, and the only reason they can't get their money is there are judgments against the property, and they are not willing to pay them off. I think it would be advisable for you to write George Beck to that effect. I would write him myself, but it would only stir him up, and it would be better for the letter to come from you.

Very truly yours,

W. H. Woodbury.

Congress of the United States

House of Representatives

Washington, D. C.

May 25, 1932.

Mr. W. H. Woodbury,  
North Carolina Park Commission,  
Asheville, N. C.

Dear Woodbury:

I am glad to have your letter and to get the news in regard to the Stikeleather property, and other trants. I have always felt sure that the deed under which Stella McCoy claimed had some thing crooked about it. I very much hope the referee will so find.

I am going to have a long talk with Cammerer and Albright before I leave here and will write you about it. I wish the situation had been such that we could have gotten some Federal appropriations for the Park this year, but this economy business prevents us from doing any thing here.

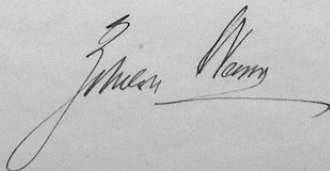
*son*  
I voted and voted and voted for reductions here and there and every where. Every day brings a pressing problem apparently and now we are just entering upon a great one, to wit; that of taking care of the unemployed before Congress adjourns. In fact the country is in worse condition than people think. I find our own section is infinitely better off than other parts of the nation.

I am inclosing you a letter which I have from George Beck in regard to the Walter Beck tract. I do not recall the facts but would be glad if you would look into it and if necessary get Hall Johnson to see what the trouble is that Mrs. Beck does not get her money from the Clerk. Of course we have paid it in and I don't know any thing further we can do, but I always like to see them satisfied. Of course George is always looking for trouble anyway.

I will write you right away and see you next week. Tell George Bramlett to write the old man a letter. I have been expecting to hear from him. Regards to Harry.

Sincerely yours,

ZW-s



*J. M. McKim*