

NORTH CAROLINA PARK COMMISSION

ASHEVILLE, N.C.

REPORT ON THE WM. R. SPRINGER TRACT NO. 112and 112-a

Location of Tract: This tract lies on Cooper's Creek, which flows into the Tuckaseegee River at Ela. There is a public road up Coopers Creek and the Springer place is about three miles from Ela, which is the shipping point. It adjoins the land of Champion Fibre Co.

Description: This tract has been used as a home place for many years by Mr. Springer, most of the land is fenced and at one time or another has been all cleared.

Improvements: The improvements are in good condition, a good house ceiled and weather boarded; about one hundred bearing apple trees productive and well cared for; a large barn and other out buildings as well as the fencing all in fairly good condition.

Valuation: Tract No. 112 contains 81.39 acres and is the home place. Tract No. 112-a contains 30.67 acres, only eight acres being cleared, balance being woodland. Values are analyzed as below:

<u>No. 112: House</u>	\$600.00
Barn	100.00
Fruit trees	200.00
Fourteen acres flat land	490.00
Twenty-five acres pasture land	370.00
Forty-eight acres grown up fields	240.00
<u>No. 112-a:</u>	
Eight acres cove filed	160.00
Thirty-four acres of woodland	340.00
<u>Total</u>	<u>\$2,500.00</u>

The appraisers feel that this price of \$2,500.00 is fair and just and recommend approval.

NORTH CAROLINA PARK COMMISSION

ATTORNEY'S CERTIFICATE AND OPINION

Tracts 112 and 112-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.....:

William Springer

.....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 for 1929.
2. Subject to payment of judgment in favor of
A. J. Sutton for \$16.71 with interest from
August 4, 1921 and \$2.80 costs.

Analysis of Title

Tract 112.

William Springer - 81.39 Acres.

1. This tract is covered entirely by grant No. 587 issued to J. R. Love, W. W. Battle and R. V. Welch, dated December 8, 1859. This grant is set out on page 46 of the Abstract of tract 172.

2. The interest of W. W. Battle passed by various mesne conveyances and became vested in Robert G. A. Love. These conveyances are set out in the Abstract of title to tract 172 on page 49 to 56 inclusive.

3. James R. Love died seized of a one-third interest in said tract, having executed a will in which he appointed Samuel Love W. L. Hilliard and R.G.A. Love, as executors, with power of sale. This will is recorded in Haywood County and reference thereto is set out in the Abstract of title to tract 132.

4. Robert G.A. Love and R. V. Welch individually and Samuel L. Love and W. L. Hilliard, Executors of the will of James R. Love executed a power of attorney dated June 25, 1878, appointing E. Everett as their agent and attorney in fact to take possession of the lands covered and embraced in grant 587 and to sell all or any part thereof upon the terms mentioned in said instrument. It provides that tracts of 100 acres should be sold at a price of not less than \$2.00 per acre, tracts of 500 acres at not less than 75 cents and 1000 acre tracts at not less than 50 cents per acre and to execute deeds in the names of the grantors reserving, however, two-thirds of all mineral interest. This power of attorney is signed by R. V. Welch, R. G.A. Love, Samuel L. Love and A. L. Hilliard. Evidently the name of Hilliard was not properly copied upon the record. R.G.A. Love signs the power of attorney twice, which would indicate that it was signed by him individually and also as one of the executors of R.G.A. Love. However, the signatures are individual and do not show that they were made as executors. W. L. Hilliard and Samuel L. Love are named in the preamble of the deed as executors of James R. Love. This power of attorney is recorded in Swain County in book 1 at page 620 and is set out in the abstract of title to tract 113, page ____.

5. On March 26, 1881, W.L. Hilliard and S. L. Love, Extras. of J. R. Love and R. V. Welch by E. Everett, Agent, executed a deed to Thomas A. Wiggins for a tract of land being a portion of grant 587 containing 87 $\frac{1}{2}$ acres, and excepting 2/3 of the mineral interest. This deed covers tract 112. It is registered in Swain County. Page 643 of this Abstract. This deed as recorded omits the name of R.G.A. Love as one of the grantors.

6. We then have a deed from T. A. Wiggins and wife, N. J. Wiggins, to W. P. Hyde, dated February 10, 1885, conveying the same tract of $87\frac{1}{2}$ acres, excepting $\frac{2}{3}$ mineral interest. This deed is recorded in Swain County and is set out on page 644 of this Abstract.

7. W. P. Hyde by deed dated June 14, 1886, conveyed to Clarke Whittier, this tract of $87\frac{1}{2}$ acres. This deed contains no reference as to mineral interest. It is recorded in Swain County and is set out on page 645 of this Abstract.

8. At this point we call attention to deed made by W. L. Hilliard and others, heirs at law of J. R. Love and R.G.A. Love and by R. V. Welch and wife, M. C. Welch also to Clarke Whittier, dated December 20, 1885, which conveys all of the lands covered by grant 587 with a number of exceptions. This deed excepts from its operation a number of tracts which are recited to have been sold by the grantors and for which bonds for title had been executed. Among these exceptions is exception No. 21 for $87\frac{1}{2}$ acres on Newtons Creek to Thomas Wiggins, the description covering the $87\frac{1}{2}$ acre tract conveyed by the foregoing deeds. This deed is set out on page 57 of the Abstract of title of tract 172 and the particular exception referred to is on page 81 of that abstract.

9. W. L. Hilliard and others, heirs at law of J. R. Love and R.G.A. Love and F. V. Welch and M. C. Welch also executed a further deed dated December 20, 1885 to Clarke Whittier in which they convey the lands covered by the exceptions mentioned in the foregoing conveyances to said Clarke Whittier and authorized and directed him to make deeds for all tracts for which bonds for title had been issued. This deed is recorded in Swain County and is set out on page 84 of tract 172.

10. Clarke Whittier died having executed a will in which he appointed his wife, McKenzie Whittier as executrix and W. W. Whittier his executor, with full power and authority to sell, convey and exchange any of the lands covered by grant 587. This will is set out on page 87 of the Abstract of title to tract 172.

11. By a special proceeding brought before the Clerk of the Superior Court of Swain County, the said McKenzie Whittier and W. W. Whittier as executrix and executor of the will of Clarke Whittier were removed and E. Everett was appointed as Administrator C.T.A. to execute and perform and to carry out the provisions of said will. This appointment was made October 7, 1889 and will be found on pages 89 to 90 of the Abstract of title of Tract 172.

12. E. Everett, Administrator, C.T.A. of Clarke Whittier by deed dated February 21, 1901 conveyed to Baker Ayers this tract of $87\frac{1}{2}$ acres. This deed is recorded in Swain County and is set out on page 646 of this Abstract.

13. It will be observed from the foregoing analysis that this tract had formerly been conveyed by E. Everett as Agent for W. L. Hilliard and Samuel Love as executors of the will of J. R. Love and that in the deed made by him to Thomas A. Wiggins there is a discrepancy as to the signatures. As this tract, however, became subsequently vested in Clarke Whittier by deed from all of the heirs at law of J. R. Love and R.G.A. Love and R. V. Welch, this deed executed by E. Everett as Administrator of the will of Clarke Whittier would correct any defects in this respect.

This deed is recorded in Swain County and is set out on page _____ of this Abstract.

14. Baker Ayers then conveyed to William Springer by deed dated December 29, 1903, this tract of 87 $\frac{1}{2}$ acres. This deed is signed by Baker Ayers and wife, Margaret Ayers, but her name apparently is not set out in the deed. We are informed that both Baker Ayers and his wife, Margaret, are dead. This deed is recorded in Swain County, page 647 of this Abstract.

A F F I D A V I T

15. Attention is called to the affidavit of _____ set out on page _____ of this Abstract, showing the long continuous adverse occupation of tract 112 by W. R. Springer and those under whom he claims. Apparently it has been held under color of title for a sufficient length of time to mature title in the present claimant. While it is covered by grant 587 as hereinafter stated the owners under this grant do not claim the tract and we think possession has been sufficient to ripen title against any possible outstanding claimants.

J U D G M E N T

16. There appears of record a judgment in favor of A. J. Sutton against William Springer, dated September 8, 1921, and docketed in book 10, page 53 in the office of the Clerk of the Superior Court of Swain County. This judgment was taken before a Justice of the Peace on the 3rd day of September, 1921, and is for \$16.75, with interest from August 4, 1921 and \$2.80 costs.

Analysis of Title

Tract 112-a.

William Springer - 30.57 Acres.

This tract is covered by grant 16408 issued by the State of North Carolina to J. R. Wiggins on January 14, 1905 containing thirty-five acres. This tract is covered by grant 587, which is much older in title than grant 16408. However, it appears that the present owners under the title to grant 587 do not claim this tract and that it is carried as an exception on their plat. It has been in long continuous adverse possession as will be shown by affidavit hereinafter referred to. This grant is recorded in Swain County and is set out on page 648.

1. J.R. Wiggins and wife, Ada Wiggins, then conveyed to Sevier Keener by deed dated November 17, 1908, the lands covered by the above grant containing thirty-five acres. This deed is recorded in Swain County and is set out on page 649 of this abstract.

2. Sevier Keener and wife, M. E. Keener by deed dated October 24, 1915, conveyed this tract of thirty-five acres to W.R. Springer, the present owner. This deed is recorded in Swain Co. and is set out on page 650 of this Abstract.

A F F I D A V I T

S. Attention is called to the affidavit of _____ set out on page _____ of this abstract, showing the long continuous adverse occupation of tract 112-a by W. R. Springer and those under whom he claims. Apparently it has been held under color of title for a sufficient length of time to mature title in the present claimant. While it is covered by grant 587 as hereinafter stated the owners under this grant do not claim the tract and we think possession has been sufficient to ripen title against any possible outstanding claimants.

J U D G M E N T

4. There appears of record a judgment in favor of A. J. Sutton against William Springer, dated September 8, 1921, and docketed in book 10, page 53 in the office of the Clerk of the Superior Court of Swain County. This judgment was taken before a Justice of the Peace on the 3rd day of September, 1921, and is for \$16.75, with interest from August 4, 1921 and \$2.60 costs.