

Analysis of Title

Tract No. 113.

Sherrell Wiggins Estate.

1. This tract is a part of Grant 587, issued to Love, Battle and Welch on December 8, 1859. This tract 113 is made up of two tracts, to wit: A tract of forty acres covering the southeastern portion of Tract 113 conveyed by W. L. Hilliard and others to Sherrell Wiggins by deed dated February 18, 1881, being the second tract in said deed and the balance of No. 113 is covered by deed from Clarke Whittier dated July 21, 1886. Both of said deeds are set out in the Abstract and will hereinafter be referred to.

2. The title to this tract is identical with that of Tract 172 - The Norwood Tract - down to and including deeds from W. L. Hilliard and others to Clarke Whittier, see pages _____.

3. However, before the deed from W. L. Hilliard and others to Clarke Whittier, we find a Bond for Title executed by said W. L. Hilliard and S. L. Love, Executors of J. R. Love and R. V. Welch by E. Everett, Agent, to Sherrell Wiggins dated February 18, 1881, in which they contract to convey to said Wiggins two tracts of land lying on Deep Creek; the second tract containing forty acres and covering the southeastern portion of Tract 113. This Bond for Title is registered in Swain County. Page 338 of Abstract.

4. We find of record a Power of Attorney to E. Everett, Agent, dated May 23, 1878, from W. L. Hilliard and S. R. Love, Executors of J. R. Love and R. V. Welch, authorizing the conveyance by said Everett of the lands hereinbefore and hereinafter referred to. This Power of Attorney is registered in Swain County. Page 339 of this Abstract.

5. It will be noted from the Abstract of Tract 172 at page _____ that said W. L. Hilliard, et al, heirs at law of J. R. and Robert Love and R. V. Welch executed a second deed to Clarke Whittier conveying all of those lands which were excepted in their first deed to him appearing on page 57 of the Abstract of Tract 172 and directing said Whittier to execute deeds for those tracts for which Bonds for Title had been heretofore issued.

6. Pursuant to this deed and the power and authority therein conferred said Clarke Whittier by deed dated July 21, 1886, conveyed to Sherrell Wiggins two tracts of land lying on Deep Creek, the second tract in said deed covering the southeastern portion of Tract No. 113. This deed is recorded in Swain County. Page 340 of this Abstract.

7. We then have a further deed from Clarke Whittier executed by him individually to Sherrill Wiggins, dated December 29, 1886, conveying all of the remaining portion of Tract 113. This deed is recorded in Swain County. Page 641 of Abstract.

8. Sherrill Wiggins died sometime prior to November 30, 1927, leaving a will in which he appoints C. P. Campbell as Executor and devises to his wife Laurie Wiggins and his son Bob Wiggins "the tract of land on which I now reside, containing 114 acres, their natural lives in satisfaction of their dower". The only effect of this will would be to create a life estate in the lands under investigation in his wife, Laurie Wiggins and his son Bob Wiggins.

9. Subject to the life estate in Laurie Wiggins, Widow of Sherrill Wiggins and Bob Wiggins, one of his sons devised in the foregoing will, the title to said lands descended to and is now vested in his children and heirs at law who are as follows:

First Marriage: John Wiggins (wife Minnie)
Albert Wiggins (wife Millie)
Roxanna Wiggins (single)
Aldelia Wiggins (wife of Garret Holloway)
Delia Wiggins (married George Laney) died
 leaving six boys
 four girls
Ruth Wiggins (wife of Joe Queen) died
 leaving three children,
 Estella
 Emma
 Gladys

Second Marriage: Laura Wiggins, Widow
Bob Wiggins, single
Josie Wiggins (wife of Humphrey Rogers)
Sallie Wiggins (wife of Pink Styles)
Doek Wiggins (died leaving two children)
Jesse Wiggins (wife Nora)
Charles Wiggins, single
Harvey Wiggins (wife Mamie)
Carrie Wiggins, single
Lillie Wiggins, single
Fannie Wiggins, single
Grady Wiggins, single

The last two named being minors.

10. It will be observed from the foregoing analysis that reference is made to power of attorney from W. L. Hilliard and S. R. Love, Executors of J. R. Love and R. V. Welch. This is referred to in paragraph 4. An examination of this instrument shown that it recites that it is made by R.C.A. Love and R. V. Welch individually and by Samuel Love and W. L. Hilliard as Executors of the will of James R. Love, Deceased. We do not find the will of record in Swain County. It is probably recorded in Haywood County. The registration of this power of Attorney shows that the signatures have not been properly copied upon the record. Instead of appearing to have been signed by Samuel R. Love and W. L. Hilliard as executors of James R. Love, Deceased, the signatures appear copied upon the record as A. L. Hilliard and the signature of R.C.A. Love is copied upon the record twice and as shown by the signatures it is signed by A. L. Hilliard and Samuel L. Love individually instead of Executors of the will of James R. Love.

We think, however, this is not now material because of the fact that Sherrill Wiggins to whom deed was made by Clarke Whittier on July 31, 1886, went into possession of said land and he and those claiming under him have been in the continuous adverse possession thereof since that time. This adverse possession has been of such nature and duration as undoubtedly to mature title in Sherrill Wiggins and his heirs as against any claimants under Grant 587.

NORTH CAROLINA PARK COMMISSION

ASHEVILLE, N. C.

January 27, 1930

REPORT ON THE SHERRILL WIGGINS TRACT - NO. 113, 119.49 ACRES.

LOCATION:

This tract is located on George's Branch, waters of Indian Creek, about 5 miles from Bryson City.

DESCRIPTION:

It is an old home tract with about 50 acres of cleared land, balance wood land. The wood land has been cut over but has a healthy growth of young timber kept free from fire.

IMPROVEMENTS:

The improvements are a fairly good house of about six rooms and an old barn, considerable fencing and a few old apple trees.

VALUATION:

House	\$600.00
Barn	200.00
Land	1200.00
	<u>\$2000.00</u>

An option has been taken on this property for \$2,000.00.

Ernest Rhoades
S. F. Chapman
W. H. [unclear]
APPRAISERS.