

DESCRIPTION OF THE BOUNDARY
OF THE

J. F. SHULER TRACT

(116)

SWAIN COUNTY, NORTH CAROLINA.

80.62

ACRES.

NORTH CAROLINA PARK COMMISSION

ASHEVILLE? N.C.

REPORT OF THE J. F. SHULER TRACT NO. 116.

Location of Tract: This tract lies on Indian Creek, a tributary of Deep Creek about six miles from Bryson City, it being the last place up the creek, adjoining the lands of the Champion Fibre Co. A poor running ^{road} to the place.

Description of Tract: This tract is being used as a home place by the owner. Very little land has been cultivated and the woodlands have been thoroughly cut over, Most of the land is steep.

Improvements: A good 5-room box house is located on the tract, the house being painted and well cared for, the other buildings are only ordinary.

Valuation: This tract contains \$80.62 acres and the values are analyzed as follows:

Five-room box house	\$800.00
Crib and barn	50.00
Two log sheds	100.00
Eighty acres woodland	600.00
Total	<u>\$1,550.00</u>

The appraisers feel well justified in paying this price, as a home place it makes a nice appearance, it being the only painted house on the creek.

Analysis of Title

Tract No. 116.

1. Tract No. 116 is embraced by State Grant No. 587, issued to Love, Battle and Welch. This grant is of record in Swain County. See page 46 of the Abstract of title Tract No. 172.

2. As the chain of title and the different conveyances making up the same are from Love, Battle and Welch until the time the heirs of Love, Battle and Welch conveyed all of the remainder of State Grant No. 587 to Dr. Clarke Whittier has been treated in the Analysis of Title of Tract No. 172, the same will not be repeated here but may be found by reference to the Abstract of Title of Tract No. 172, pages 46 to 86, inclusive. By the above reference it will be found that all of State Grant No. 587 vested in Dr. Clarke Whittier, that is all that had not been conveyed prior to the deed made to Dr. Clarke Whittier.

3. Thereafter Dr. Clarke Whittier died leaving his last Will and Testament, appointing Annie McKenzie Whittier and W. W. Whittier, executors in regard to North Carolina with power to sell any of said lands. This Will was duly probated in the Clerk's Office of Swain County. See page 87 of the Abstract of Tract No. 172.

4. The next instrument that effects this tract is a proceeding brought before the Clerk of the Court of Swain County to remove the Executors of the Will of Dr. Clarke Whittier, viz: Annie McKenzie Whittier and W. W. Whittier. Upon the petition filed and the evidence offered before the Clerk, an Order was signed removing Annie McKenzie Whittier and W. W. Whittier as Executors, and appointing in their place E. Everett. This Petition and Order are of record in Swain County. See page 89 and 90 of the Abstract of Title Tract No. 172.

5. On April 6, 1898, E. Everett as Administrator of Clarke Whittier conveyed to D. K. Collins, Assignee of G. M. Massey a tract of land containing 100 acres, which tract is a portion of State Grant No. 587, and embraces the locus in quo. This deed is of record in Swain County. See page of this Abstract.

6. On September 29, 1899, D. K. Collins and wife, E. H. Collins conveyed to V. B. Massey, a tract of land containing 100 acres, which embraces tract No. 116. This deed is of record in Swain County. See page of this Abstract.

7. On September 27, 1902, V. B. Massey and wife, Catherine Massey conveyed to Tilden Branton and Jack Branton the land mentioned in the preceding paragraph of this Analysis. This deed is duly recorded in Swain County. See page of this Abstract.

8. On June 26, 1905, Jack Branton and wife, Eliza Branton conveyed to Tilden Branton, all their interest in the tract of land containing 100 acres, being the land formerly owned by V. B. Massey and wife. This deed is of record in Swain County. See page of this Abstract.

9. On August 15, 1908, H. T. Branton and wife, Lou Branton conveyed to J. F. Shuler a tract of land containing 80 acres more or less. This conveyance embraces Tract No. 116. This deed is of record in Swain County. See page of this Abstract.

10. On September 4, 1908, J. F. Shuler and wife, Nora executed and delivered a Deed in Trust on Tract No. 116 to Manuel Shuler, Trustee for W. P. Shuler. In this deed in trust J. F. Shuler agrees to pay W. P. Shuler \$9.00 on the first of every year as long as W. P. Shuler lives. We have been informed that W. P. Shuler is dead. However, this Deed of Trust is not cancelled of record.

11. On September 27, 1902, Tilden Branton and Jack Branton, executed a Deed in Trust to W. M. Laney, Trustee for V. B. Massey. This Deed of Trust has never been cancelled. However, we are of the opinion that this Deed of Trust is lotlawed by the statute of limitations, since a period of twenty-five years has elapsed from maturity date. These Deeds in Trust are of record in Swain County. See pages of this Abstract.