

DESCRIPTION OF THE BOUNDARY  
OF THE

W.R. STILES TRACT (118)

Lying in the Western Watershed of Indian Creek, about  
30 chains west of the mouth of George's Branch.  
*Being exception #5 to Champion Fibre Co. Tract (1).*

Beginning at Corner 1, a chestnut stump, the Southeast  
Corner.

Thence, N. 89-10 W.

24.48 Corner 2, a post scribed W.S. Cor. 2.

Thence, N. 1-53 E.

20.39 Corner 3, a point with witnesses.

Set a locust post scribed W.S. Cor. 3.

Thence, S. 88-51 E.

25.17 Corner 4.

Set a post scribed W.S.2, Cor. 4.

A 20" chestnut, blazed and scribed B.T.W.S. 2, Cor. 4,  
bears N. 3-00 E. .06 chain distant.

Thence, S. 2-21 W.

20.23 The place of beginning, containing 50.42 acres.

DESCRIPTION OF THE BOUNDARY

OF THE

W.R. STILES TRACT (118a)

Lying on the Southeast side of Indian Creek, and being part of Exception 4 to the Champion Fibre Co. Tract (1).

Beginning at Corner 1, which is Corner 1 of Exception 4 to the Champion Fibre Co. Tract (1), a 20" dead chestnut, with old markings, blazed and scribed W 1-Cor. 3.

Thence, N. 40-22 E.

- 9.62 Corner 2, a point with witnesses, on a ridge, and in the East Boundary of the original Laney Tract.

Thence, N. 62-00 W.

- 13.79 Corner 3, a 20" chestnut on bank of Indian Creek, scribed R.S. Cor. 3.

Thence, down Indian Creek with its meanders.

S. 19-01 W.

- 4.00 A Point.

S. 20-20 W.

- 5.16 A Point.

S. 26-15 W.

- 2.98 Corner 4, a stake on the bank of creek, scribed R.S. Cor. 1-W.L. Cor. 3.

Thence, S. 76-13 E.

- 10.65 The place of beginning, containing 12.71 acres.

NORTH CAROLINA PARK COMMISSION

ASHEVILLE, N. C.

REPORT ON THE W. R. STILES TRACT Nos. 118 and 118-a.

63.13 ACRES

Location: These tracts are located on Indian Creek, a tributary of Deep Creek about five miles from Bryson City and adjoins the lands of the Champion Fibre Company and other small property owners.

Description: Small mountain farms occupied by the owner, some flat land on the Creek, but mostly hillside. The woodland has been cut over.

Improvements: The improvements are a six room box house in good condition, two log cabins in poor condition, seven acres of flat land under fence, which is productive.

Valuation:	Six room house	\$800.00
	Two log cabins	100.00
	Seven acres creek bottom	500.00
	Five acres pasture	100.00
	Fifty-six acres woodland	500.00
		<u>\$2000.00</u>

An option has been taken on this property for \$1800.00 and the use of the Mae Wilson Tract until turned over for Park purposes, or a cash payment of \$2000.00.

## Analysis of Title

### Tract 118-a.

#### W. R. Stiles.

1. This tract is covered by Grant 587 to Love, Battle and Welch, dated December 8, 1859. It is set out on page 46 of the Abstract of Title to Tract 172.

2. The title under this grant is the same as tract 172 down to and including conveyance from W. L. Hilliard and others to Clarke Whittier, pages 46 to 86 inclusive of the Abstract of Title to Tract No. 172.

It will be observed that W. L. Hilliard and others, who were the heirs at law of James R. Love, R. G. A. Love and R. V. Welch executed two deeds to Clarke Whittier, both of them being dated December 20, 1885. In the first deed the grantors named therein convey to Clarke Whittier all of the lands covered by Grant 587 with two series of exceptions. The first series of exceptions relate to tracts which had already been granted at the time grant 587 was issued. The second series of exceptions relate to Bonds for Title or Contracts to convey which had been made by the owners of Grant 587 prior to the execution of the deed to Clarke Whittier. Exception No. 24, which is set out on page 75 of the Abstract of Title to Tract 172 is to Mrs. Elizabeth Vaughn for 100 acres on Indian Creek, the description being the same as that contained in a deed hereinafter referred to from W. L. Hilliard, Guardian of W. H. Thomas, to Elizabeth Vaughn.

3. The second deed made by W. L. Hilliard and others, heirs at law of James R. Love, R. G. A. Love and R. V. Welch conveys to Clarke Whittier the lands embraced within the second series of exceptions relating to Bonds and Contracts for Title and authorizes and directs said Clarke Whittier to execute deeds to the persons holding such bonds for title or contracts to convey.

However, we have been unable to find of record any deed from the heirs at law of said James R. Love, R. G. A. Love and R. V. Welch or the said Clarke Whittier to Elizabeth Vaughn for this tract.

4. The next conveyance we find is a deed from W. L. Hilliard, Guardian of W. H. Thomas, to Elizabeth Vaughn dated May 9, 1883, conveying a tract described by metes and bounds and being the same as set out in said exception 24 in the deed from W. L. Hilliard and others to Clarke Whittier above referred to. No bond for title from W. H. Thomas to Elizabeth Vaughn appears of record and the records do not disclose the title under which W. H. Thomas claimed. This deed recites that said W. H. Thomas had executed a Bond for Title to Elizabeth Vaughn prior to the time he was declared a lunatic and that said deed was made by said Hilliard as Guardian under the provisions of said Bond for Title. This deed is set out on page 317-f of the Abstract of Title to Tract 117.

5. We then have a conveyance from Elizabeth Ensley, who was Elizabeth Vaughn before her marriage, dated July 8, 1903, to W. M. Laney, which conveys the same tract of land described in a deed from W. L. Hilliard, Guardian, as above mentioned. At the time of the execution of this deed, Elizabeth Ensley was a widow. This deed is recorded in Swain County and is set out on page 318-g of the Abstract of Title to Tract 117.

6. W. M. Laney and wife, Nicie Laney, then conveyed to J. B. Laney by deed dated December 5, 1906, a tract of land containing fifteen acres and being a part of the same tract described in the foregoing deeds. This deed covers tract 118-a. It is recorded in Swain County. Page 937 of this Abstract.

7. J. B. Laney and wife, Docia Laney, conveyed the same tract to W. W. Wheeler by deed dated January 25, 1913. This deed is recorded in Swain County. Page 938 of this Abstract.

8. W. W. Wheeler and wife, Alma Wheeler, by deed dated February 25, 1913, conveyed to W. M. Jenkins, the same tract of land. This deed is recorded in Swain County. Page 939 of this Abstract.

9. William M. Jenkins, then conveyed to Charles S. Sparks by deed dated January 27, 1916, the same fifteen acre tract of land. It does not appear whether W. M. Jenkins was married at the time of the execution of this deed or not. It is recorded in Swain County. Page 940 of this Abstract.

10. Charles Sparks then conveyed the same tract of fifteen acres to W. R. Stiles by deed dated February 18, 1918. The wife of Charles Sparks, if married, does not join in this conveyance. It is recorded in Swain County. Page 941 of this Abstract.

11. The title to this tract down to W. M. Laney is the same as Tract 117, pages 315-d to 321-j. While the record title is not complete, the evidence shows that William Laney had been in long continuous adverse possession of the tract of land originally conveyed to him by W. L. Hilliard, Guardian of W. H. Thomas. This deed constitutes color of title and we think the possession of W. M. Laney for a period of more than thirty-five years has matured title against any possible claimants under Grant 587. Also subsequent to the conveyance made by W. M. Laney to J. B. Laney on December 5, 1906, there has been continuous, well defined adverse occupancy. See affidavit of \_\_\_\_\_, page \_\_\_\_\_ of this Abstract.

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NORTH CAROLINA PARK COMMISSION

ATTORNEY'S CERTIFICATE AND OPINION

Tract No. 118.

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.....:

W. R. Stiles

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. The record title to this tract is not complete but our information is that there has been long continuous adverse occupancy. An affidavit as to the extent and character of this possession should be secured.