

DESCRIPTION OF THE BOUNDARY

OF THE

W. F. HARTZOG TRACT (120)

Lying in a Southeastern direction and about 30 chains distant from Indian Creek, being a part of Exception 6 to the Champion Fibre Co. Tract (1).

Beginning at Corner 1, a large white oak stump with witnesses.

A 12" chestnut blazed and scribed B.T.H-1, bears S. 48-00 W. .27 chain distant.

A 12" chestnut blazed and scribed B.T.H-1, bears N. 52-00 W. .22 chain distant.

Thence, N. 12-32 E. ✓

49.27 Corner 2, a large red oak with old marks and witnesses, blazed and scribed H-2. ✓

Thence, N. 57-29 W. ✓

2.86 Corner 3, a point at corner of wire fence, corner 1 of the J. H. Queen Tract (119). ✓

Thence, with the Queen Tract (119).

S. 40-38 W. ✓

9.40 Corner 4, a stump at corner of fence. ✓

Set a sassafras post scribed Q-6. ✓

S. 4-25 E. ✓

2.79 Corner 5, set a post in a mound of stones, scribed Q-5. ✓

S. 44-02 W. ✓

6.52 Corner 6, a point .20 chain North of small stream, shown by Queen. ✓

Set a sassafras post scribed Q-4. ✓

N. 8-50 W. ✓

.51 Corner 7, a point shown by Queen as site of corner. ✓

Set post scribed Q-3. ✓

A 10" maple bears S. 84-00 W. .20 chain distant, blazed ✓
and scribed B.T.Q-3.

S. 71-59 W. ✓

2.01 Corner 8, a chestnut stump at corner of rail fence, blazed ✓
and scribed Q-2, identified by J. H. Queen.

N. 43-37 W. ✓

9.02 Corner 9, a fallen hemlock shown as corner by Joe Queen. ✓
Set a locust post scribed Q-1.

Corner 3 of the Queen Tract (119).

Thence, S. 11-15 W. ✓

32.87 Corner 10, a chestnut oak stump, with witnesses. ✓
Set a post scribed H-4. ✓

Thence, S. 61-36 E. ✓

18.93 The place of beginning, containing 69.21 acres. ✓

Analysis of Title

Tract No. 120.

1. Tract No. 120 is totally embraced by State Grant No. 587, issued by the State of North Carolina to Love, Battle and Welch. This grant is of record in Swain County. See page 46 of the Abstract of Title of Tract No. 122.

2. As the different conveyances effecting Grant 587 have been treated in the Analysis of Title of Tract No. 122, the same will not be repeated here but may be seen by reference to the Abstract of Title of Tract No. 122, beginning with page 46 through page 56. It will be noticed by reference to the above referred to pages that the interest of W.W. Battle in State Grant 587 vested in Robert C.A. Love.

2-442,443

3. The first instrument that we find effecting the locus in quo is a deed from W. L. Hilliard and S. L. Love, Executors for R.C. Love and R. V. Welch for himself, all by their Agent, E. Everett, to A. C. Wiggins. This deed conveys a tract containing one hundred acres more or less, which embraces the locus in quo. In this deed, however, two-thirds of the mineral interest is reserved, also fifty acres of the land described in said deed is reserved for the benefit of S. L. Thomas and her heirs. This deed may be seen by reference to page 170 of this Abstract.

4. The Power of Attorney authorizing this conveyance by E. Everett, as Agent, may be seen by reference to page 135-a of the Abstract of Title of Tract No. 122. It will be noticed by reference to the said Power of Attorney that Robert C.A. Love signed same, although his name is not mentioned in the deed from E. Everett, Agent, to A. C. Wiggins. We are of the opinion that Robert C.A. Love's interest passed by the aforementioned deed even though his name is not mentioned in said deed as E. Everett was his Agent, duly appointed

7-127,128

5. The next conveyance we find effecting this tract is a deed from Sarah L. Thomas to A. C. Wiggins conveying a tract containing fifty acres or more, which is the same tract reserved in the deed mentioned in the deed from E. Everett, Agent to A. C. Wiggins. This conveyance is of record in Swain County. See page 171 of this Abstract.

Note: I can find no Register of Deeds records for either item 6 or 7 below.

6. On January 15, 1886, A.C. Wiggins and wife conveyed to Clarke Whittier, two tracts of land, the first tract in said deed embracing the locus in quo. In this deed two-thirds of the mineral interest is reserved for the benefit of R.V. Welch, W. L. Hilliard and others also all walnut trees marked are reserved. This deed may be seen by reference to page 172 of this Abstract.

12. On November 20, 1890, E. Everett, Administrator of Dr. Clarke Whittier conveyed the same tracts to A. C. Wiggins. For the appointment of E. Everett as Administrator by Dr. Clarke Whittier see pages 87 through 90 of the Abstract of title of Tract No. 142. This deed is of record in Swain County. See page 173 of this Abstract.

13. Thereafter A. C. Wiggins died leaving a Last Will and Testament appointing his wife, Josephine Wiggins, as Executrix, with power to sell the the land owned by him in Swain County, provided it brings the sum of \$400.00. This Will is probated in Swain County. See page 174 of Abstract.

18-77,78 9. On October 26, 1896, Josephine Wiggins, as Executrix, of A.C. Wiggins, conveyed to C.E. Randall two tracts of land; first tract in said deed embracing the locus in quo. This deed is recorded in Swain County. See page 175 of this Abstract.

45-238 10. On January 30, 1919, C. E. Randall conveyed the same tracts to W.C. Randall. See page 176 of this Abstract.

47-43 11. On May 5, 1919, W. C. Randall and wife conveyed to R.F. Hall the same tracts of land. See page 177 of this Abstract.

46-501,502 12. On September 14, 1919, R.F. Hall and wife conveyed the Locus in quo to W.F. Hartzog. This deed is recorded in Swain County. See page 178 of this Abstract.

47-365 13. On May 22, 1922, W. F. Hartzog conveyed this tract to his wife, Emma Gaines Hartzog. This deed is of record in Swain County. See page 179 of this Abstract.

DOT 15-77 14. On January 26, 1925, W. F. Hartzog and wife, Emma Gaines Hartzog executed and delivered to McKinley Edwards, as Trustee, a Deed in Trust conveying the locus in quo. In this Deed of Trust power is given to the Trustee to sell said lands and execute to the purchaser a title in fee simple should default be made in the payment of the indebtedness therein secured. This deed of Trust is of record in Swain County. See page 180 of this Abstract.

52-105 15. On May 5, 1925, McKinley Edwards, as Trustee, executed a deed conveying the locus in quo to A. J. Franklin, Jr. and B. C. Thomason. This deed is recorded in Swain County. See page 181 of this Abstract.

55-17 16. On July 20, 1927, A. J. Franklin, Jr. and B. C. Thomason with the joinder of their wives conveyed the locus in quo to H. A. Davis. This deed is recorded in Swain County. See page 183 of this Abstract.

17. There are several Deeds of Trust effecting the locus in quo, that have been cancelled of record and may be seen by reference to pages 185 to 188 of this Abstract.

NORTH CAROLINA PARK COMMISSION

ATTORNEY'S CERTIFICATE AND OPINION

Tract 120.

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.....:

H.A.Davis

..... 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. Taxes for the year 1928.
2. Two-thirds of the mineral interest outstanding in the heirs at law of Robert G.A. Love, R. V. Welch and J. R. Love.
3. A Deed of Trust from H. A. Davis to A. J. Franklin Trustee, given to secure the sum of \$1,000.00, which has never been canceled of record. Page of this Abstract.

NORTH CAROLINA PARK COMMISSION

ABSTRACT OF DEED OR GRANT

Grantees

In Preamble	As Signed	As Acknowledged
North Carolina		
A. C. Wiggins		

1. Kind of Conveyance State Grant No. 1000
3. Is it properly executed.....
5. Before what Officer acknowledged.....
7. If irregular, copy in full on back.....
9. Date of acknowledgment.....
11. Did officer affix Seal.....
13. Does conveyance contain covenants—
 - (a) of seizin
 - (b) power to convey.....
 - (c) against encumbrances.....
 - (d) against claims of all others.....
17. Habendum clause (Quote fully).....

2. Date of Conveyance 12-12-1870
4. Date of Entry and No. 2-28-70
6. Acknowledgments, regular.....
8. Did all grantors acknowledge.....
10. Was privy examination of wife taken.....
12. Was order of probate correct.....
14. Date of filing for record 1-20-75
15. Book 1 Page 229
for Swain County.
16. Does deed contain any special limitations, provisions or restrictions

Exact Description of Property

155 Acres.

BEGINNING at a w.o. on the top of the dividing ridge between Newton's Mill Creek and Indian Creek; runs N. 54 E. 50 poles to a W.O.; thence N. 46 E. 28 poles to a W.O.; thence N. 20 E. 46 poles to a W.O.; thence N. 6 E. 28 poles to a hickory; thence N. 30 E. 150 poles to a B.O.; thence N. 130 poles to a poplar; thence N. 75 W. 14 poles to a chestnut; thence S. 36 W. 330 poles to a stake; thence S. 10 E. 100 poles to a stake; thence S. 60 E. 40 poles to the BEGINNING.