

North Carolina State Archives
of NC Park Commission Records
Photocopied by Don Casada

DESCRIPTION OF THE BOUNDARY
OF THE
BAXTER LANEY TRACT (122)

Lying on both sides of Indian Creek and being a part of
Exception 7 to the Champion Fibre Co. Tract (1),

Beginning at Corner 1, a 2^{1/4}" beech with old marks and
witnesses, scribed B.L. Cor. 2.

Thence, N. 44-40 E.

21.15 Corner 2, a chestnut post scribed W.S. Cor. 5, B.L. Cor. 1.
A 20" chestnut, blazed and scribed B.T. Cor. 5, Cor. 1, bears
S. 7-00 W. .18 chain distant.

Corner 5 of the William Stiles Tract (121).

Thence, with two lines of the William
Stiles Tract (121).

N. 56-49 W.

20.53 Corner 3, a locust fence post scribed W.S. Cor. 6 and
B.L. Cor. 2.

S. 39-06 W.

2.15 Corner 4, a locust fence post scribed W.S. Cor. 7.

Thence, S. 42-48 W.

27.11 Corner 5, a spanish oak stump, scribed B.L. Cor. 3.

Thence, S. 78-59 E.

22.49 The place of beginning, containing 49.19 acres.

NORTH CAROLINA PARK COMMISSION

ASHEVILLE, N.C.

REPORT ON THE BAXTER LANEY TRACT NO. 122-----49.19 ACRES.

Location: This tract is located on Indian Creek, a tributary of Deep Creek, about five miles from Bryson City and adjoins the lands of the Champion Fibre Co. and other small property owners.

Description: A mountain home occupied by the owner, well cared for, Two acres of flat land on the creek, and eighteen acres of flat upland, all of which is productive, twenty acres pasture and seventeen acres of cut over land.

Improvements: The improvements are a six room log and frame house in good condition, also a mill and barn, both of which are in good condition.

Valuation:	Six room house	\$600.00
	Corn mill	200.00
	Barn	200.00
	Two acres flat land	150.00
	Eighteen acres bench land	500.00
	Twenty acres pasture	250.00
	Seventeen acres of woodland	100.00
		<u>\$2000.00</u>

An option has been taken for \$2000.00.

Analysis of Title

Tract 122.

Baxter Laney - 49.19 Acres.

The title to tract 122 is the same as that for 121 down to and including deed from J. R. Thomas, Guardian of W. H. Thomas to James Baird. The title to this point is set out in the Abstract of title to tract 121, pages 159 to 660 of that number.

1. We then have a deed from James Baird and wife to V. B. Massey, dated September 1898, conveying a tract of fifty-six and three-fourths acres. This deed covers tract 122. It was first recorded on October 11, 1899, in book 20, page 11, but was not properly acknowledged by E. J. Baird, the wife of James Baird. This deed is set out on page 673 of Abstract.

2. We then find the same deed properly acknowledged and recorded from James Baird and wife, E. J. Baird to V. B. Massey, recorded on July 2, 1912, in Book 35 at page 574. It conveys the same tract of fifty-six and three-fourths acres. This deed is recorded in Swain County. Page 674 of Abstract.

3. We then find a further deed from James Baird and wife, E. J. Baird to V. B. Massey, dated January 16, 1907, conveying a tract of 100 acres which covers the fifty-six and three-fourth acres constituting tract 122 and also the remaining portion of the 100 acres conveyed by James R. Thomas, Guardian, to said James Baird. This deed is recorded in Swain County and is set out on page 661 of the Abstract of title to 121.

4. V. B. Massey and wife, Hattie Massey by deed dated June 29, 1912, conveyed this tract of 100 acres to W. W. Wheeler and G. F. Miller. This deed is recorded in Swain County and is set out on page 662 of the Abstract of title to 121.

5. G. F. Miller and wife, A. L. Miller by deed dated December 3, 1912, conveyed their one-half interest, to W. W. Wheeler, in this tract of 100 acres. This deed is recorded in Swain County and is set out on page 663 of the Abstract of title of 121.

6. W. W. Wheeler and wife, Alma Wheeler, by deed dated January 25, 1913, then conveyed to Baxter Laney a tract of fifty-six and three-fourths acres, being a part of the 100 acre tract described in the foregoing deed and covering tract 122. This deed is recorded in Swain County. Page 675 of this Abstract.

7. As it has been impossible to connect the title of this tract with grant 587, or any other grant, it will be necessary to rely upon adverse possession. We call attention to affidavit of ~~adverse possession~~ showing that this tract has been in long continuous ~~adverse possession~~ for a period of thirty years and undoubtedly this possession has been of such duration and character as to mature title in the present claimants.

NORTH CAROLINA PARK COMMISSION

ABSTRACT OF DEED OR GRANT

Grantors	In Preamble	As Signed	As Acknowledged
	James Baird Betsy Jane Baird	James Beard E. J. Beard	James Beard E. J. Beard
	U. B. Massey		

Deed

- Kind of Conveyance.
- Is it properly executed.
- Before what Officer acknowledged C.S.C.
- If irregular, copy in full on back.
- Date of acknowledgment 6-1-98
- Did officer affix Seal.
- Does conveyance contain covenants—
 - of seizin Yes
 - power to convey Yes
 - against encumbrances Yes
 - against claims of all others Yes
- Habendum clause (Quote fully) To have and to hold the aforesaid tract of land and all privileges and appurtenances thereto belonging to the said U. B. Massey, his heirs and assigns to their only use and behoof forever.

2. Date of Conveyance 9-1-1898

4. Date of Entry and No.

6. Acknowledgments, regular Yes8. Did all grantors acknowledge Yes10. Was privy examination of wife taken Yes12. Was order of probate correct Yes14. Date of filing for record 7-2-191215. Book 35 Page 574for Swain County.

16. Does deed contain any special limitations, provisions or restrictions

Exact Description of Property

BEGINNING at a beech corner of James Beard old survey and runs North 41 East 35 poles and fifteen links to a dogwood, crossing the creek at 46 poles; thence North 58 West 83 poles to a stake, crossing the creek at 8 poles; thence South 41 West 120 poles to a S.O., the beginning corner of James Beard survey; thence South 82 East 90 poles to BEGINNING,

Containing fifty-six and three-fourths acres.

NORTH CAROLINA PARK COMMISSION

ABSTRACT OF DEED OR GRANT

Grantors	In Preamble	As Signed	As Acknowledged
	James Beard and wife	James Beard	James Beard
	Betsy Jane	E. J. Beard	James Beard
	V. B. Massey		

Deed

1. Kind of Conveyance.....	2. Date of Conveyance.....	Sept	98
3. Is it properly executed.....	4. Date of Entry and No.....		
5. Before what Officer acknowledged.....	6. Acknowledgments, regular.....	Yes	
7. If irregular, copy in full on back.....	8. Did all grantors acknowledge.....	Yes	
9. Date of acknowledgment.....	10. Was privy examination of wife taken.....	Yes	
11. Did officer affix Seal.....	12. Was order of probate correct.....	Yes	
13. Does conveyance contain covenants— (a) of seizin.....	14. Date of filing for record.....	10-11-99	
(b) power to convey.....	15. Book	20	Page
(c) against encumbrances.....	for	Swain	County
(d) against claims of all others.....	16. Does deed contain any special limitations, provisions or restrictions.....		

17. Habendum clause (Quote fully). To have and to hold the aforesaid tract or parcel of land and all privileges and appurtenances thereto belonging to the said V. B. Massey, his heirs and assigns to their only use and behoof forever.

Exact Description of Property

"BEGINNING at a beech, corner of James Beard old survey and runs North 41 East _____ poles, and 15 links to a dogwood crossing the creek at 46 poles; thence North 58 West 83 poles to a S. O., the beginning corner of James Beard survey; thence South 82 East 90 poles to the beginning;

Containing fifty-six and three-fourths acres."

NORTH CAROLINA PARK COMMISSION

ABSTRACT OF DEED OR GRANT

In Preamble	As Signed	As Acknowledged
W. W. Wheeler and wife Alma Wheeler	W. W. Wheeler and wife Alma Wheeler	W. W. Wheeler and wife, Alma Wheeler
Baxter Lane		

Deed

1. Kind of Conveyance.....
 3. Is it properly executed.....
 5. Before what Officer acknowledged **C.S.C.**
 7. If irregular, copy in full on back **1-27-15**
 9. Date of acknowledgment.....
 11. Did officer affix Seal.....
 13. Does conveyance contain covenants—
 (a) of seizin..... **Yes**
 (b) power to convey..... **Yes**
 (c) against encumbrances..... **Yes**
 (d) against claims of all others..... **Yes**
 17. Habendum clause (Quote fully) **To have and to hold the aforesaid tract or parcel of land and all privileges and appurtenances thereto belonging to the said Baxter Lane, his heirs and assigns to their only use and behoof forever.**

2. Date of Conveyance **1-25-15**
 4. Date of Entry and No.....
 6. Acknowledgments, regular **Yes**
 8. Did all grantors acknowledge **Yes**
 10. Was privy examination of wife taken **Yes**
 12. Was order of probate correct **Yes**
 14. Date of filing for record **1-28-1915**
 15. Book **39** Page **166**
 for **Swain** County.....
 16. Does deed contain any special limitations, provisions
 or restrictions.....

Exact Description of Property

"BEGINNING at a beech, corner of James Beard's old survey and runs North 41 East 85 poles and fifteen links to a dogwood, crossing the creek at 46 poles; thence North 58 West 83 poles to a stake, crossing the creek at 8 poles; thence South 41 West 120 poles to a S. C., the beginning corner of James Beard's survey; thence South 82 East 90 poles to the BEGINNING;

Containing fifty-six and three-fourths acres more or less."

NORTH CAROLINA PARK COMMISSION

ATTORNEY'S CERTIFICATE AND OPINION

Tract No. 122.

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.....:

Baxter Laney

..... 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 from well established evidence it appears that this tract has been in long continuous adverse possession for a period of at least thirty years and of such character as to mature title in the present claimants.

SIGNED, SEALED AND DELIVERED
in the presence of

{

J. B. Laney (Seal)
mrs Dacia Laney (Seal)
(Seal)

STATE OF NORTH CAROLINA

Buncombe

COUNTY.

I, W. H. Woodbury

Notary Public

do hereby certify that

J. B. Laney

and

Dacia Laney

his wife, personally appeared before me this day and acknowledged the due execution of the foregoing instrument; and the said

Dacia Laney, being by me privately examined, separate and apart from her said husband, touching her voluntary execution of the same, doth state that she signed the same freely and voluntarily, without fear or compulsion of her said husband or any other person, and that she doth still voluntarily assent thereto. Let the instrument and the certificate be registered.

Witness my hand and Official seal this 31st day of October, A.D. 1929.

W. H. Woodbury

My commission expires January 14, 1931.

Notary Public