

DESCRIPTION OF THE BOUNDARY

OF THE

WILL JENKINS TRACT (125)

Lying on both sides of Deep Creek and about half a mile above the mouth of Indian Creek.

Beginning at Corner 1, a point with witnesses on the west bank of Deep Creek.

Set a post in a mound of stones.

A 14" cucumber bears S. 30-00 E..20 chain distant, blazed and scribed B.T.

Corner 85 of the Champion Fibre Co. Tract (1), and corner 8 of the Ed Cline Tract (128).

Thence, with the Cline Tract (128).

N. 22-27 E.

10.02 Corner 2, point shown by W. M. Jenkins as site of Chestnut Corner.

Set a post scribed J. 5.

N. 0-42 E.

5.04 Corner 3, a planted stone.

N. 73-07 W.

.66 Corner 4, a planted stone.

Thence, also with the ridge meanders.

S. 53-23 W.

4.03 A Point.

N. 64-42 W.

2.06 A Point.

N. 45-48 W.

6.04 A Point.

N. 49-03 W.

2.58 A Point.

N. 57-30 W.

- 1.59 A Point.  
N. 44-00 W.
- 2.53 A Point.  
N. 57-01 W.
- 2.77 A Point.  
N. 69-15 W.
- 2.91 A Point.  
N. 47-01 W.
- 2.55 A Point.  
N. 54-19 W.
- 1.16 Corner 5, a point with witnesses, on the divide.  
Set a post in a mound of stones.  
A 12" chestnut oak, blazed and scribed B.T., bears S. 66-00 W..15 chain distant.  
A 12" chestnut, blazed and scribed B.T. bears North, .18 chain distant.  
Corner 80 of the Champion Fibre Co. Tract (1), and Corner 3 of the Ed Cline Tract (128).  
Thence, with four lines of the Champion Fibre Co. Tract (1).  
N. 23-06 W.
- 4.62 Corner 6, a large chestnut with old markings on top of the divide between Deep Creek and Hammer Branch, blazed and scribed Cor. 5.  
S. 86-45 E.
- 18.59 Corner 7, a 16" black oak with old markings and witness on top of the ridge.  
An 8" black oak blazed and scribed B.T. bears S. 75-00 E. .18 chain distant.  
S. 50-16 E.
- 4.24 Corner 8, an 8" locust with witnesses, on a ridge.  
A 10" black oak, blazed and scribed B.T. bears N. 55-00 E. .24 chain distant.  
S. 70-57 E.

4.31 Corner 9, a point with witnesses. ✓

Set a post scribed J. 4. ✓

Corner 76 of the Champion Fibre Co. Tract (1), and a common corner to the George Jenkins Tract (126).

Thence, with the Jenkins Tract (126).

S. 4-58 W. ✓

7.00 Corner 10, a beech. ✓

S. 59-25 E. ✓

7.35 Corner 11, a point in center of creek opposite birch, with corner marks. ✓

Thence, also with the meanders of the creek.

N. 28-35 E. ✓

8.57 A Point.

N. 39-52 E. ✓

5.84 Corner 12, a point in the center of the creek at mouth of hollow. ✓

Thence, also up the meanders of the hollow.

S. 85-02 E. ✓

1.80 A Point.

N. 83-09 E. ✓

3.34 Corner 13, a point in the hollow. ✓

Thence, up the meanders of the ridge.

S. 29-25 E. ✓

4.85 A Point.

S. 51-13 E. ✓

4.07 A Point.

S. 64-16 E. ✓

1.55 A Point.

S. 48-43 E.

- 3.23 Corner 14, a point on a ridge and Corner 6 of the A.T. Blanton Tract (124).

Thence, with the Blanton Tract (124), and the meanders of the ridge.

S. 36-53 W.

- 1.24 A Point.

S. 17-45 W.

- 3.47 A Point.

S. 23-24 W.

- 2.48 A Point.

S. 27-02 W.

- 3.29 Corner 15, a fallen spanish oak with witnesses on top of ridge dividing Indian Creek and Deep Creek.

Set a post scribed B.C.F.

An 8" chestnut blazed and scribed B.T.B., bears S. 80-00 E. .15 chain distant.

Corner 7 of the Blanton Tract (124), and Corner 87 of the Champion Fibre Co. Tract (1).

Thence, with the Champion Fibre Co. Tract (1).

N. 87-35 W.

- 23.03 Corner 16, a point in the center line of creek at the intersection with a marked line.

Thence, also down the Creek, with its meanders.

S. 18-21 W.

- 2.97 A Point.

S. 38-34 W.

- 8.03 The place of beginning, containing 63.10 acres.

DESCRIPTION OF THE BOUNDARY

OF THE

WILL JENKINS TRACT

(125a)

SWAIN COUNTY, NORTH CAROLINA.

NOTE: All bearings in this description were turned from the true meridian and all distances are expressed in chains of 66 feet.

Beginning at Corner 1, a Walnut marked as a corner, on the bank of Deep Creek.

N. 54-52 E.

5.32 Corner 2, a Walnut with corner marks, near a small stream.

S. 26-57 E.

5.46 Corner 3, an Oak with corner marks.

S. 84-22 W.

4.77 Corner 4, a point in the center of Deep Creek.

Thence, with Deep Creek.

N. 42-21 W.

3.07 The place of beginning, containing 2.02 acres.

Analysis of Title

Tracts 125 and 125-a.

WILL JENKINS

Tract 125.

1. Tract No. 125, containing 63.10 acres lies on both sides of Deep Creek. It is covered by Grant 587 issued to R. V. Welch, W. W. Battle and J. R. Love on December 8, 1869. This grant is registered in Swain County and is fully set out in the Abstract of title to Tract 172 - Norwood Lumber Company lands - on page 46 of the Abstract.

2. The title to Tract 125 is identical with the title to Tract 172 down to and including conveyance to Clarke Whittier and the Will of said Clarke Whittier, all of which will appear in the Abstract of Tract 172 on pages 46 to 67 inclusive and will, therefore, not be repeated in this analysis.

3. The next instrument found of record is what purports to be a contract of sale executed by Clarke Whittier to M. T. Stanford and J. S. Branton, dated November 19, 1885. This agreement is not entirely clear in its provision but evidences an agreement on the part of the said Clarke Whittier to convey the western portion of Tract No. 125, the description in said agreement containing eighty acres. The northern portion of this eighty acre tract, lying on the west side of Deep Creek now constitutes the western portion of tract 125, as will appear from the map. No deed appears of record from the said Clarke Whittier to either M. T. Stanford or J. S. Branton, but we will have to rely upon adverse possession under subsequent conveyances. This will probably not be material. 746

4. The next conveyance on the record affecting the western portion of Tract 125, is a deed from J. F. Teague, Sheriff, to A. W. Parris. This deed is dated July 7, 1897, and covers by its description, the eighty acre tract hereinbefore referred to. It recites that the lands were sold for taxes on the 4th day of May, 1896. This deed undoubtedly constitutes color of title under which sufficient adverse possession would mature title in those claiming under A. W. Parris. This deed is recorded in Swain County. Page 147 of Abstract.

5. A. W. Parris, then conveyed to M. T. Stanford, one of the parties named in the foregoing agreement from Clarke Whittier a tract covering the western half of Tract 125. This deed is dated December 21, 1899 and is recorded in Swain County. Page 749 of Abstract.

6. On December 31, 1904, M. T. Stanford and wife, M. J. Stanford, conveyed to G. W. Jenkins, a small tract of four acres being a part of the original eighty acre tract above described. This deed is recorded in Swain County. Page 750 of Abstract.

7. M. T. Stanford and wife Margaret Stanford, then conveyed to A. T. Lollis by deed dated November 29, 1905, all of said original eighty acre tract, excepting the four acres hereinabove mentioned as having been conveyed by them to George Jenkins. This deed is recorded in Swain County. Page 751 of Abstract.

8. A. T. Lollis and wife, Josie Lollis, by deed dated July 10, 1911, conveyed to Lucinda Bumgarner a tract of twenty-five acres, being a part of the original eighty acre tract and covering most of the western part of tract 125. This deed is recorded in Swain County. Page 752 of Abstract.

9. By deed dated April 12, 1923, George Jenkins conveyed to Will Jenkins a tract of land containing four acres, being a portion of tract 125. This deed is recorded in Swain County. Page 753 of Abstract.

10. G. W. Jenkins and wife also conveyed to Lucinda Bumgarner a small tract of three acres adjoining the original lands owned by said Lucinda Bumgarner and being a portion of Tract 125. It is described as a part of the "Tip Stanford Land" and is embraced within the deed above set out from J. F. Teague, Sheriff, to M. T. Stanford. This deed is recorded in Swain County. Page 754 of Abstract.

11. Lucinda Bumgarner, by deed dated February 2, 1924, then conveyed the lands acquired by her through the foregoing conveyances to Will Jenkins. This deed covers the western portion of Tract No. 125. This deed is recorded in Swain County. Page 755 of Abstract.

12. It will be observed that through the foregoing conveyances, the title to the western half of tract 125 became vested in Will Jenkins. The eastern portion of this tract is a part of what is known as the "Corn Tassel Place" and will now be considered.

13. This portion of Tract 125 was also evidently originally a part of Grant No. 587. It is a portion of a tract of 150 acres conveyed by James Terrell and Thomas D. Johnson, Attorneys, to George Shuler by deed dated November 23, 1880 and referred to and set out in the Abstract of Tract 149 at page 1212. Apparently this tract became known as the "Corn Tassel Tract". It constitutes exception No. 40 in the deed from the heirs of Love, Battle and Welch to Dr. Clarke Whittier for Grant No. 587, all of which is set out in Abstract of Tract 172 at page 57.

14. George Shuler and wife, Margaret Shuler, conveyed this 150 acre tract by deed dated February 25, 1884, to W. P. Shuler. This deed is fully set out in Abstract of Tract 149 at page 1213.

15. W. P. Shuler and wife Narcissus Shuler, then conveyed to G. W. Jenkins by deed dated December 16, 1896, the same 150 acres of land. This deed also conveys a tract lying north of the "Corn Tassel Tract" containing 100 acres, including tract 125-a, hereinafter referred to. This deed contains the following provision - "the mineral interest in the above described tract is reserved out of this conveyance, three-fourths of this interest to the use of the Love heirs, one-fourth to the use of W. P. Shuler and heirs". It is not clear to which tract reference is made but evidently it was intended to refer to the 100 acre tract lying North of the "Corn Tassel Place", as this tract became vested in George W. Jenkins as will be seen by a deed from the Love heirs, Book 2, page 198, of the records of Deeds in which a three-fourths mineral interest is reserved and apparently W. P. Shuler in his deed to George W. Jenkins intended to reserve the remaining one-fourth mineral interest to himself and his heirs.

16. G. W. Jenkins and wife, C. L. Jenkins, then conveyed to W. M. Jenkins (Will Jenkins) by deed dated December 7, 1920, a tract of thirty acres being a part of the "Corn Tassel Place" and covering the eastern half of Tract 125 lying east of Deep Creek. This deed is recorded in Swain County. Page 756 of Abstract.



Analysis of Title

Tract 125-a

1. Tract 125-a is covered by Grant 587 to Love, Mattie and Welch. This grant is fully set out in the Abstract of the Title of Tract 172 -- Norwood Lumber Company Tract.

2. The title became vested in the heirs of J. R. Love and Robert Love and is fully set out in the Abstract of Tract 172, pages \_\_\_\_\_ to \_\_\_\_\_ and will not be repeated in connection with this title.

3. We then find a conveyance from William L. Hilliard, S. L. Love and R.G.A. Love, as executors of James R. Love and E.G.A. Love and R.G. Welch by their agent E. Everett to Nelby Chis-es-li conveying a tract of 100 acres lying North of the "Corn Tassel Tract" and including 125-a. This deed is referred to in the Abstract of Tract 149 and is set out on page 1214 of that Abstract.

It will be observed from this deed that a three-fourths mineral interest is reserved.

4. There appears a further deed from Sante Martin and wife, Da-Carne Martin, and George Martin, heirs of Nelby Chis-es-li to William Shuler. This deed is dated July 31, 1885 and conveys the same 100 acre tract described in the last named deed. It is fully set out on page 1215 of the Abstract of title to Tract 149.

5. W. P. Shuler and wife, Narcissus Shuler, then conveyed to G. W. Jenkins, by deed dated December 18, 1898, two tracts of land. The first tract describing the 100 acre tract last above referred to. In this deed a three-fourths mineral interest is reserved to the use of the Love heirs and a one-fourth mineral interest to the use of W.P. Shuler and his heirs. This deed is set out in the Abstract of 149 at page 1216.

6. G. W. Jenkins and wife, Cora Lee Jenkins, then conveyed to William S. Hunnicutt by deed dated January 22, 1906, a tract of land described as containing 111 acres. The description covering the 100 acre tract referred to in the foregoing deeds. This deed is recorded in Swain County. It is set out in full in the Abstract of Tract 149 at page 1219.

7. William S. Hunnicutt, then executed a conveyance to W. A. Hunnicutt dated February 19, 1912, for a tract containing thirty-five acres and being a part of the 100 acre tract purchased by him from George W. Jenkins. This deed covers 125-a. It is recorded in Swain County. Page 757 of Abstract.

8. W. A. Hunnicutt by deed dated September 20, 1922, conveyed a small tract of three acres to Adam C. Wheeler and wife Mattie Wheeler. This is a part of the thirty-five acre tract last above mentioned. The deed is recorded in Swain County. Page 758 of Abstract.

9. A. C. Wheeler and wife, Hattie Wheeler by deed dated February 19, 1925, then conveyed this three acre tract to Will Jenkins. This deed is recorded in Swain County. Page 759 of Abstract.

10. However, prior to the above conveyances, A. C. Wheeler and wife, Hattie Wheeler by a deed dated October 18, 1922, conveyed a thirty foot right-of-way over this tract, the right-of-way to be located by the Champion Fibre Company running from the line of the George Jenkins home place on the east side of Deep Creek across the tract of land purchased by the grantors from W. H. Hunnicutt during the year 1922 to the North line of the Wheeler tract. This right still resides in the Champion Fibre Company. This deed is recorded in Swain County. Page 760 of Abstract.

11. A. C. Wheeler also on February 1, 1926, executed a Deed of Trust to W. M. Taylor for George W. Jenkins to secure the payment of \$40.00. This deed of Trust has been properly canceled by Trustee, on the record. See page 761 of Abstract.

# NORTH CAROLINA PARK COMMISSION

## ABSTRACT OF DEED OR GRANT

Grantees

In Preamble	As Signed	As Acknowledged
William S. Hunnicutt	William S. Hunnicutt	William S. Hunnicutt
W. A. Hunnicutt		

1. Kind of Conveyance..... **Warranty Deed**.....
3. Is it properly executed..... **yes**.....
5. Before what Officer acknowledged..... **J. P.**.....
7. If irregular, copy in full on back.....
9. Date of acknowledgment..... **2-19-12**.....
11. Did officer affix Seal..... **no**.....
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**.....
2. Date of Conveyance..... **2-19-12**.....
4. Date of Entry and No.....
6. Acknowledgments, regular..... **yes**.....
8. Did all grantors acknowledge..... **yes**.....
10. Was privity examination of wife taken.....
12. Was order of probate correct..... **yes**.....
14. Date of filing for record..... **3-31-12**.....
15. Book..... **39**..... Page..... **16**.....
- for..... **Swain**..... County.
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 W. A. Hunnicutt, his heirs and assigns to their only use and behoof forever.**.....

### Exact Description of Property

"BEGINNING on a bunch of white walnuts in the old Corn Tassel line on the East side of Deep Creek at the lower end of the old Field runs up said creek 38 poles to a chestnut on bank of Deep Creek; then North East and with the meanders of the Indian Grave Ridge to the old line; then South 71 East 57 poles to a stake and pointers; thence South 40 poles to a stake the line of said Corn Tassel place; thence with this line West 79 poles to the beginning containing thirty-five acres. Being a part of the land bought from Geo. W. Jenkins of 100 acres."

# NORTH CAROLINA PARK COMMISSION

## ABSTRACT OF DEED OR GRANT

	In Preamble	As Signed	As Acknowledged
Grantees	W. A. Hunnicutt	W. A. Hunnicutt and Esta Hunnicutt	W. A. Hunnicutt and Esta Hunnicutt
	Adam C. Wheeler and wife Hattie Wheeler		

### Warranty Deed

1. Kind of Conveyance..... Warranty Deed
2. Date of Conveyance..... 9-20-22
3. Is it properly executed..... yes
4. Date of Entry and No.....
5. Before what Officer acknowledged..... C. S.C.
6. Acknowledgments, regular..... yes
7. If irregular, copy in full on back.....
8. Did all grantors acknowledge..... yes
9. Date of acknowledgment..... 9-20-22
10. Was privy examination of wife taken..... yes
11. Did officer affix Seal..... no
12. Was order of probate correct..... yes
13. Does conveyance contain covenants—.....
14. Date of filing for record..... 9-20-22
- (a) of seizin..... yes
15. Book..... 50 Page..... 184
- (b) power to convey..... yes
- for..... Swain County.
- (c) against encumbrances..... yes
16. Does deed contain any special limitations, provisions or restrictions.....
- (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 appertinances thereto belonging to the said Adam C. Wheeler and wife Hattie Wheeler his heirs and assigns to their only use and behoof forever.

### Exact Description of Property

"BEGINNING on a black walnut on the East bank of Deep Creek and running North 55 East 20 poles to a water oak; thence the same course to G. W. Jenkins line; then West and with said Jenkins line 20 poles to Deep Creek; thence North 50 West up and with Deep Creek to the BEGINNING, containing three acres."

## NORTH CAROLINA PARK COMMISSION

## ABSTRACT OF DEED OR GRANT

	In Preamble	As Signed	As Acknowledged
Grantors	A. C. Wheeler and wife Hattie Wheeler	A. C. Wheeler and wife Hattie Wheeler	A. C. Wheeler and wife Hattie Wheeler
Grantees	Will Jenkins		

1. Kind of Conveyance Warranty Deed
3. Is it properly executed yes
5. Before what Officer acknowledged J. P.
7. If irregular, copy in full on back
9. Date of acknowledgment 2-19-25
11. Did officer affix Seal no
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
2. Date of Conveyance 2-19-25
4. Date of Entry and No.
6. Acknowledgments, regular yes
8. Did all grantors acknowledge yes
10. Was privity examination of wife taken yes
12. Was order of probate correct yes
14. Date of filing for record 2-19-25
15. Book 50 Page 479  
for Swain County.
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 Will Jenkins his heirs and assigns to their only use and behoof forever.

## Exact Description of Property

"BEGINNING on a black walnut on the East bank of Deep Creek running North 55 East 24 poles to a black walnut thence South 24 East 20 poles to a water oak; thence the same course to the Jenkins line; thence West with the G. W. Jenkins line 20 poles to Deep Creek; thence North 56 West up and with Deep Creek to the BEGINNING, containing three acres."

# NORTH CAROLINA PARK COMMISSION

## ATTORNEY'S CERTIFICATE AND OPINION

Tract No. 125.

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.....:

Will Jenkins

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 is not entirely complete.

Due to undoubted long continuous adverse possession easily established as will appear by reference to affidavit set out in the abstract, we are of opinion that the title to Will Jenkins Tract 125. is good.

## NORTH CAROLINA PARK COMMISSION

## ATTORNEY'S CERTIFICATE AND OPINION

Tract 125-a.

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.....:

Will Jenkins

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. This is a small tract containing 2.02 acres. The record title is sufficient, except three-fourths mineral interest outstanding in the heirs. This is reserved in a deed from W. L. Hilliard, et al, heirs at law of Robert and J. R. Love and R. V. Welch as shown in the abstract.
3. This tract subsequently became vested in W. P. Shuler who conveyed it to George W. Jenkins, December 16, 1896. In this deed he further reserves a three-fourths interest in the minerals to the use of the Love heirs and also a one-fourth mineral interest to himself and heirs. The entire mineral interest is outstanding in the Love heirs and W.P. Shuler.

## NORTH CAROLINA PARK COMMISSION

## ABSTRACT OF MORTGAGE

(NORTH CAROLINA)

Will Jenkins

Mortgagor

to

W. M. Taylor

Mortgagee

Lucinda Bumgarner

NOTE:—In deeds of trust give name of  
third party.

1. Kind of instrument Deed of Trust.
2. Date of instrument 2-2-24
3. Consideration \$ 350.00
4. Maturity date 2-2-29
5. Is it properly executed? yes
6. Date acknowledged 2-2-24 S. C.
7. Before what officer acknowledged? C. S. C.
8. Was privy examination of wife held? no
9. Date of filing for record 2-2-24
10. Recorded in Book 11 Page 492  
for Swain County.
11. Does this instrument form a link in the chain of title? no

## DESCRIPTION OF PROPERTY

Being the home place of Lucinda Bumgarner known  
as the Tip Stanford place.



4.557  
12-849  $\frac{2}{46}$

See Miller's list

In distance of title  
to Charles Miller see above  
I have 172 h.h. 46 to 87.

to White Deer

$\frac{15}{591}$

agreement  
11-19-85  
80 A.

W. I. Stanford ✓

J. F. League Sheriff

$\frac{21}{154}$

79 A.

✓ G. W. Parrie's wife  
Louisa Parrie

$\frac{21}{158}$

12-21-99  
79 A.

✓ W. I. Stanford's wife  
Margaret

12-21-04

$\frac{20}{581}$

4 A.

$\frac{28}{178}$

75 Acres

G. J. Lally's wife

7-10-11

Brooklyn's wife

$\frac{33}{307}$

25 A.

$\frac{39}{128}$

12-1-11

3 A.

Lucinda Cunningham

2-2-24

$\frac{45}{524}$

2 Tracts

See W. I. Stanford's wife

G. J. Lally's

$\frac{50}{230}$

4 A.

$\frac{47}{473}$

30 A.

A. C. Wheeler's wife

2-19-25

$\frac{50}{479}$

3 A.

Will Jenkins

See Ed. Shuler Title #127 1932