

## NORTH CAROLINA PARK COMMISSION

ASHEVILLE, N. C.

REPORT OF TRACT NO. 126 - GEORGE JENKINS

94.55 acres.

## Location:

This tract is located on Deep Creek, about four and one-half miles above its mouth. A public road passing through the tract. The creek also runs through the tract. It adjoins the lands of Champion Fibre Co. and other small property owners on Deep Creek.

## Description:

This is home tract occupied and farmed by the owner, there being fourteen acres of creek bottom, which is well tended and productive. the woodland has been cut over, but there is still a large amount of young growth on the property. If fishing rights are worth anything this is one of the tracts that would be desirable. However, these rights have not been taken into consideration in valuing the property.

## Improvements:

A 7 room framed house, two stories but only the lower story finished. The house is not in very good repair. There is also an old log house and two log barns in poor repair. A considerable portion of the property is fenced with two strands of wire.

## Valuations:

Seven room house, frame	\$700.00
Log house and barns	250.00
Fencing	125.00
Fourteen acres of bottom land	1560.00
Six acres of upland	120.00
Six acres old fields	60.00
Sixty-eight and one-half acres wood land	685.00
Total	<u>\$3500.00</u>

The option price being \$3500.00, and a reasonable valuation, the appraisers ask your approval.

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 Appraisers

APPROVED BY THE EXECUTIVE COMMITTEE  
NORTH CAROLINA PARK COMMISSION

Purchased Aug. 20, 19

Analysis of Title

Tract No. 126.

George Jenkins

1. Tract No. 126 now belonging to George W. Jenkins is included within the boundaries of a large grant from the State to Love, Battle and Welch. This Grant is fully referred to and set out on page 46 of the Abstract of Tract 172.

2. There is no connected chain of title from the State. The first reference we have found of record to this tract is contained in a deed from W. L. Hilliard, et al, the heirs at law of Robert Love, J. R. Love and R. V. Welch to Clarke Whittier. This deed is dated December 30, 1885, and will be found set out in full on page 57 of the Abstract of Tract 172. It contained a large number of exceptions referred to as "tracts of land alleged to have been granted by the State of North Carolina to the parties whose names are annexed to these exceptions or to those under whom they claim, before title to the said above described boundary of land accrued to us or our ancestors". Exception No. 40 in this deed refers to a tract belonging to J. P. Shuler and describing by metes and bounds a tract of 150 acres lying on Deep Creek, the description being identical in subsequent deeds for what is known as the "Corn Tassel Tract".

3. The next deed of record is a deed from James Terrell and Thomas D. Johnson, Attorneys for W. H. Thomas to George Shuler dated November 23, 1880, for this tract of land. This deed is set out in the Abstract of Tract 149 at page 1212.

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

5. W. P. Shuler and wife, Narcissus Shuler, then conveyed to George W. Jenkins by deed dated December 16, 1896, the same 100 acre tract. This deed is fully set out in Abstract of Tract No. 149 at page 1216.

6. On December 13, 1922, George W. Jenkins and wife, Cora L. Jenkins, executed a deed for a right of way to the Champion Fibre Company. This deed provides for a right of way thirty feet in width running on the east side of Deep Creek over and across the lands of George Jenkins, in the rear and at a distance of at least fifteen yards from his residence and the line of Adam Wheeler. This right of way is to extend for twenty years from and after its date with right to renew for another twenty years. This deed is recorded in Swain County and is set out in the Abstract of Tract 149 at page 1231.

7. Affidavit of \_\_\_\_\_ showing long, continuous adverse possession and occupation by George W. Jenkins and those under whom he claims.

# NORTH CAROLINA PARK COMMISSION

## ATTORNEY'S CERTIFICATE AND OPINION

Tract No. 126.

IT IS HEREBY CERTIFIED: That the title to the within described land as disclosed in the attached abstract contains a full, complete and correct abstract of all instruments and court proceedings of record affecting the same and including the beginning entry there of has been carefully examined and noted, and that the following owner.....:

George 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. Taxes.
2. While the record title to this tract of land is not complete, there has been long continuous adverse possession under color of title and sufficient in our opinion to mature title in the present claimant. George W. Jenkins, the present owner is now living upon said property and has had it under cultivation since his purchase thereof on December 16, 1896. At that time there had been possession under former owners and we think there can be no doubt as to the sufficiency of his title.
3. Subject to a right of way to the Champion Fibre Company.

NORTH CAROLINA

SWAIN COUNTY

IN RE: TRACT NO. 126.

Mark Cathey being first duly sworn deposes and says that he is 58 years of age and that he has been a resident of Swain County for 58 years, that he is familiar with a tract of land on Deep Creek in Swain County North Carolina containing 100 acres and known as the Corn Tassel Tract on which Geo. W. Jenkins now lives that the said Geo. Jenkins and those under whom he claims and his successors in title to some portions of said tract to-wit; Geo. W. Shuler, W. P. Shuler, Will Jenkins, Ed Cline and A. T. Blanton have been in the actual possession of the said tract of land for a period of more than thirty years living there upon, cultivating and pasturing a portion thereof, cutting firewood and timber therefrom and making such other use of the land as it is susceptible of; that such possession had been open notorious and continuous and adverse for the said period of more than thirty years and further this deponent sayeth not.

*Signed*

Mark Cathey  
Affiant.

Sworn and subscribed to before me this 25 day of July 1929.

Wesley M. Virginia  
Notary Public.

My commission expires Dec. 19, 1930.