

NORTH CAROLINA PARK COMMISSION

ASHEVILLE? N. C.

REPORT ON W. P. SHULER TRACT

No. 127, now OWNED BY ED SHULER

Location of Tract: This tract is located on the waters of Deep Creek, adjoining the creek about five miles from its mouth. A poorly kept public road runs in front of the place. The nearest shipping point is Bryson City, N.C.

Description of the Tract: A poor place, poorly kept, all hillside land.

Improvements: One two-roomed box house and an old barn.

Valuation: The acreage is 29.03 acres. The values are analyzed as follows:

| | |
|-----------------------------|----------|
| Two roomed box house | \$50.00 |
| Barn | 25.00 |
| 5 acres old field, pasture | 50.00 |
| 10 acres, cultivated fields | 185.00 |
| 14 acres woodland | 140.00 |
| Total | \$450.00 |

The price paid is \$450.00, and the appraisers feel that it is worth this amount of money.

Appraisers

APPROVED BY THE EXECUTIVE COMMITTEE
NORTH CAROLINA PARK COMMISSION.

Parlous 8/10/29

Tract No. 127 is totally embraced by State Grant No. 587, issued by the State to Love, Battle and Welch. A copy of this grant may be seen by reference to page 46 of Abstract of Title of Tract No. 142.

As the different deeds effecting State Grant 587 have been shown in the Abstract of Title of Tract No. 172 up and through the time the interest of W. W. Battle was vested into Robert G. A. Love, the same will not be reported here but may be seen by reference to pages 46 through 56 of the Abstract of Title of Tract No. 172.

1. The first conveyance that we find effecting the locus in quo is in a deed from W. L. Hilliard, S. L. Love, R. G. A. Love, Extras. of James R. Love, Deceased, Robert G. A. Love and R. G. Welch for themselves by their agent and attorney in fact, E. Everett, to Nelby Chis-ae-li. This deed conveys a tract containing one hundred acres, which is a portion of State Grant No. 587 and is an exception in the deed from W. L. Hilliard and others to Dr. Clarke Whittier, conveying all the interests of the Love heirs in Grant No. 587. In this deed three-fourths of the mineral interest is excepted for the benefit of the Love heirs. This deed is of record in Swain County and may be seen by reference to page 1214 of the Abstract of Title of Tract No. 149.

2. The authority empowering E. Everett to make this conveyance may be seen by reference to a power of attorney executed by Robert G. A. Love and others to E. Everett, said power of attorney is duly recorded in Swain County and may be seen by reference to page 135-a of the Abstract of Title of Tract No. 168.

3. The next conveyance that we find effecting this title is in a deed from Santa Martin and wife, Daganees Martin, George Martin, heirs of Nelby Chis-ae-li to William P. Shuler. This deed conveys a tract containing one hundred acres, which is the same tract of land deeded by W. L. Hilliard and others to Nelby Chis-ae-li. The description in this deed embraces the locus in quo. In this deed three-fourths of the mineral interest is reserved for the benefit of the Love heirs. This deed is of record in Swain County. See page 1215 of the Abstract of Title of Tract No. 149.

4. On December 18, 1896, W. P. Shuler with the joinder of his wife, conveyed to G. W. Jenkins two tracts of land. The first tract in said deed being the tract that embraces the locus in quo. In this deed three-fourths of the mineral interest is excepted for the benefit of the Love heirs and one-fourth excepted for the benefit of W. P. Shuler and his heirs. This deed is of record in Swain County and may be seen by reference to page 1216 of the Abstract of Title of Tract No. 149.

5. On January 22, 1908, G. W. Jenkins and wife conveyed to William S. Hunnicutt the same tract of land mentioned in the preceding paragraph of this analysis. This tract embraces the locus in quo and the deed to same is duly recorded in Swain County. See page 1218 of the Abstract of Title of Tract No. 149.

6. On February 19, 1912, W. S. Hunnicutt, single, conveyed to W. A. Hunnicutt a tract of land containing thirty-five acres, which tract is the locus in quo. This deed is duly recorded in Swain County. See page 195 of this Abstract.

7. On September 2, 1925, W. A. Hunnicutt and wife conveyed to Ed Shuler the same tract mentioned in the preceding of this analysis. This deed covers the locus in quo and said deed is duly recorded in Swain County. See page 196 of this Abstract.

8. Ed Shuler, the present owner of tract No. 127, executed a deed in Trust, dated September 2, 1926, conveying tract No. 127 to W.W. Jenkins, Trustee. However, this Deed of Trust has been properly canceled of record. See page 197 of this Abstract.

9. As to the other instruments that are of record effecting this title that have not been canceled of record, see attorney's certificate and opinion of title of this tract.

NORTH CAROLINA PARK COMMISSION

ATTORNEY'S CERTIFICATE AND OPINION

Tract No. 127.

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.....:

Ed Shuler

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. Three-fourths of the mineral interest outstanding in the Love, heirs reserved in the deed from W. L. Hilliard et al to Nelby Chis-ae-li. See page of Abstract.
3. One-fourth of the mineral interest reserved for the benefit of W. P. Shuler and his heirs. Page of Abstract.
4. Right of Way to the Champion Fibre Company for the purpose of a railroad executed by W.A. Hunnicutt and wife. See page 1230 of Abstract of Title of Tract No. 149.
5. A Right of Way to the Champion Fibre Company executed by W.A. Hunnicutt and wife. See page 1228 of the Abstract of Title Tract No. 149.
6. Any interest that might be outstanding by virtue of a deed from J. H. Ditmore and wife to William Stevens. See page 1227 Abstract of Tract No. 149.
7. Deed in Trust from W. A. Hunnicutt and wife to S. W. Black, given to secure \$190.00, which has never been canceled of record. See page 1233 Abstract of Title of Tract No. 149.
8. Deed of Trust from W. A. Hunnicutt and wife to W. M. Taylor, Trustee, given to secure the sum of \$23.00, which has never been canceled of record. See page 1234 Abstract of Title Tract No. 149.
9. A Deed of Trust from W. S. Hunnicutt to J. A. Watkins, given to secure the sum of \$300.00, which has never been canceled of record. See page 1236 Abstract of Title Tract No. 149.
10. Right of Way to Champion Fibre Co. from G.W. Jenkins for the purpose of a railway. See page 1231 Abstract of Title Tract No. 149.

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Ed Shuler

..... 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

AMENDED OPINION -

1. Subject to taxes for the year 1929.
2. Subject to mineral interest outstanding, three-fourths in heirs of J. R. Love, R.G.A. Love and R.V. Welch and one-fourth in W. P. Shuler.
3. Subject to right of way of Champion Fibre Co.
4. Subject to Deed in Trust from W. A. Runnicutt, a former owner of the tract to Champion Fibre Co. dated September 1, 1924, to secure indebtedness of \$190.00, which matured September 1, 1925.

Salisbury New Fair
John Lathorne
1-8-41
17
496 100 sec
W.H. Grayson

W.L. Holley 8-1981
P.O. Box 347 EV-1000
P. O. Box 347 EV-1000
for Sherry 541 7410
tag # E 11-4-79
W (2)
1981 100 Oct 28 1981
Neb. City, Neb.

8. Newport
John Johnson
7-8-41
7490
W. H. Johnson
James W. Terrell
Thomas Johnson
11-23-8

| | |
|---------------------|-----------|
| <i>G.W. Jenkins</i> | |
| 1-22-08 | 3-21-08 |
| 33 218 | 20 274 |
| 100A | 75 acres |

80-45
Willy Chiv-e-li Indian.
Santa Martina & wife
A-a-ja-nee Martina
Geo Martina brother
of Willy Chiv-e-li
8-31-93
W 8 (611) 100 acres

Geo Co. Shultz wife
11-23-80
150 acres
150 acres
2-25-84
150 acres
Ex. 40

| | |
|-----------------|----------|
| William Bennett | 11-18-11 |
| (35 391) | 30 each |
| ✓ J. P. Bennett | 1912 |
| (35 452) | 30 each |

L-41
T. C. Shadley
Lodge Nevada
1/2-16-96
2 tracts 100
1 " 150
Mineral Lode
L. W. Jenkins
Lodge 6, 8
8-21-23
16 acres
1843
47.8

W. C. Bennett & wife
8-10 5-4-27

2 Tracts

✓ W. C. Rundall

155
2

✓ Mark Jenkins &
wife Corinne

| | | |
|------------|----------------------------|------------------------|
| J.D. | 7-15-27 | 3-1-28 |
| (16 97) | 2 fract., 13' ft 30" | 574 562 |

W. C. Randall C. B. Matt, wife
J. Leatherman Justice

✓ Thurman Leathewood
Master

| | |
|----|----------|
| 56 | 10-15-22 |
| 44 | 2 loads |
| 7 | 15 A |
| | 30% |

W. C. Randall

Brox Avery a
Den S
See Brox the 5

(149)