

NORTH CAROLINA PARK COMMISSION

ASHEVILLE, N. C.

REPORT ON THE J. N. LAWS TRACT - NO. 137

Location:

This tract is located on the waters of Noland's Creek, adjoining the creek, and the nearest shipping point is Noland, N. C., on the Southern Railway. A poor public road runs up Noland's Creek past this property. It adjoins the lands of the Champion Fibre Company.

Description:

This property has been used as a home place by the owner. Has 5 acres set in orchard, which is rather poorly taken care of. The buildings are in good condition. The level land is productive and the woodland contains a good stand of young growth.

Valuation:

Contains 60.28 acres.

House, barn and crib	\$500.00
4 acres level land	200.00
35 acres woodland	350.00
21 acres cultivatable coves and hillsides	450.00
TOTAL	<u>\$1,500.00</u>

This is the price agreed upon, and the place is well worth it, as the party is able to make a living on it.



## Analysis of Title

### Tract No. 137.

1. Tract No. 137 is embraced by State Grants 789, 788 and 152. As we are not dependent upon State Grant No. 152 for title and as this grant laps on Grant 788 and 789 and embraces only a small portion of Tract No. 137, State Grant 152 will not be treated herein. Grants 788 and 789, however, will be treated separately.

### State Grant No. 788.

2. Grant No. 788 was issued to Elizabeth Millsaps September 12, 1871. This grant is duly recorded in Jackson County. See page of this Abstract. We have searched the records of Swain and Jackson Counties and have been unable to find a conveyance from Elizabeth Millsaps covering State Grant No. 788.

3. The next trace that we have been able to find of State Grant No. 788 is in a deed of conveyance dated February 15, 1884 from George W. Shuler and wife to James U. Wiggins. This deed describes State Grant No. 788 by metes and bounds. We have been unable to find a conveyance to George W. Shuler for State Grant No. 788 and are unable to state how he acquired title to this grant. This deed is of record in Swain County. See page 1183 of this Abstract.

### State Grant No. 789.

4. Grant No. 789 was issued to Jane Millsaps by the State of North Carolina on September 12, 1861. This grant is of record in Swain County. See page 1184 of this Abstract.

5. On December 5, 1862, Jane Millsaps conveyed to A. Cline State Grant No. 789. This deed is of record in Jackson County. See page 1185 of this Abstract.

6. We have been unable to find a conveyance from A. Cline covering State Grant No. 789.

7. The next trace that we have been able to find of State Grant No. 789 is in a deed of conveyance dated January 30, 1883 from George W. Shuler and wife to T. J. Shuler. The records do not disclose a conveyance to George W. Shuler covering State Grant No. 789 and we are unable to say how he acquired title to this Grant. This deed is of record in Swain County. See page 1186 of this Abstract.

8. On May 20, 1885, T. J. Shuler and wife conveyed to J. U. Wiggins State Grant No. 789. This deed is of record in Swain County. See page 1187 of this Abstract.



9. On January 23, 1903, J. U. Wiggins and wife conveyed to J. J. Combs several tracts of land including State Grants 788 and 789. This deed is of record in Swain County. See page 1188 of the Abstract of title of Tract No. 134.

10. On May 22, 1905, J. J. Combs, without the joinder of his wife conveyed to the Monger Lumber Company, a partnership composed of T. Monger, J. M. Burns and C. E. Gordon, nine tracts of land including State Grant No. 788 and a portion of State Grant 789 that embraces the locus in quo. This deed is of record in Swain County. See page 1190 of this Abstract.

11. On November 30, 1905, T. Monger, J. M. Burns and C. E. Gordon, trading and doing business as the Monger Lumber Company and T. Monger and wife, Lillie K. Monger, J. M. Burns, C. E. Gordon and wife, Lucy Stearns Gordon, individually, conveyed to W. T. Mason, nine tracts of land including State Grant 788 and that portion of State Grant No. 789 that embraces the locus in quo. This deed is of record in Swain County. See page 1191 of this Abstract.

12. On June 29, 1912, W. T. Mason executed and delivered to Zebulon Weaver, Trustee, a Deed in Trust given to secure the sum of \$4160.00 and to secure the payment of said sum conveyed to said Trustee several tracts of land including State Grant No. 788 and that portion of State Grant No. 789 that embraces the locus in quo. This Deed of Trust contains a power of sale authorizing the Trustee to sell at public auction the lands described in said Deed in Trust, should default be made in the payment of the indebtedness thereby secured. This Deed of Trust is duly recorded in Swain County. See page 1072 of the Abstract of Title of Tract No. 134.

13. On June 9, 1914, Zebulon Weaver, Trustee conveyed to Corbin J. Decker several tracts of land being the same tracts that are described in the Deed in Trust from W. T. Mason to said Trustee as referred to in the preceding paragraph of this analysis. This Trustee's Deed includes State Grant No. 788 and that portion of State Grant No. 789 that embraces the locus in quo. This deed is of record in Swain County. See page 1075 of the Abstract of Title of Tract No. 134.

14. On May 15, 1916, Corbin J. Decker and wife deeded to James Laws and wife, Dora Laws a tract of land containing 88 acres more or less, which tract is the locus in quo. This deed is of record in Swain County. See page 1192 of this Abstract.

15. On May 15, 1916, James Laws executed a Deed in Trust of John S. Adams embracing tract No. 137. This deed of Trust has been cancelled of record. See page 1193 of this Abstract.

16. As we have been unable to connect the chain of title of this tract from the state to the present owner, there being several breaks in the chain of title and as we are depending upon possession for title in this tract, we have obtained an affidavit to the effect that James Laws and those under whom he claims have been in the adverse, open and continuous possession of said tract for a period of thirty years or more. See page 1194 of this Abstract for said affidavit.



NORTH CAROLINA

SWAIN COUNTY

IN RE: Tract No. 137.

M. T. Stanford, being duly sworn deposes and says that he is 71 years of age and has been a resident and citizen of Swain County for a period of 40 years and more. Affiant further states that he is familiar with the ownership and possession of a certain tract of land owned by J. N. Laws, located on the waters of Noland Creek and more particularly described as follows:

"Lying on both sides of Noland Creek, about  $1\frac{1}{2}$  miles above the mouth of Mill Creek, Beginning at Corner 1 which is corner 120 of the Champion Fibre Co. Tract (1), a small double maple on the north bank of Noland Creek, blazed and scribed C.F.; thence, North 88-07 East, with a line of the Champion Fibre Company Tract (1) 5.37 chains, Corner 2, which is corner 2 of the Charles Laws Tract (136), a 6" chestnut oak with old markings, scribed J.N. Laws, Corner 2; thence North 11-36 West, with a line of the Charles Laws Tract (136) 27.29 chains, corner 3, which is corner 126 of the Champion Fibre Co. Tract (1), a chestnut with old markings; thence South 83-15 West, with a line of the Champion Fibre Co. Tract (1) 23.85 chains, corner 4, a large chestnut with old marks, on top of Noland Creek Mill Creek Divide; thence, with two lines of the W.F. Laws Tract (138 South 4-38 East 14.07 chains, corner 5, a chestnut stake scribed J.L. Cor. 4, South 49-26 East 18.80 chains, Corner 6 an iron pipe on bank of Noland Creek; thence, up Noland Creek with its meanders North 54-25 East 4.71 chains; South 81-50 East 4.57 chains, the place of beginning, containing 60.28 acres."

towit: That the said J. N. Laws and those under whom he claims

Corbin J. Decker  
W. T. Mason  
A. Cline  
Jane Millsaps and others

have been in the open, notorious, continuous and adverse possession of said lands and premises for a period of thirty years or more, living thereon, cultivating portions thereof, taking timber and firewood therefrom, grazing cattle thereon and making such other uses of said lands as they are susceptible of.

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Affiant

Sworn to and subscribed before me this the 20th day of February 1929.

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Notary Public

My Commission expires December 19, 1930.