

NORTH CAROLINA PARK COMMISSION

ASHEVILLE, N. C.

REPORT ON THE COBURN & WALDROUP TRACT - NO. 141.

- LOCATION: This tract is located on Lands Creek. Coburn's half interest has been secured at \$7.00 per acre.
- DESCRIPTION: This is an old farm, fields now growing up and the woodlands cut-over.
- IMPROVEMENTS: There are no improvements on the place.
- VALUATION: The tract contains 77.72 acres. This would make Dr. R. M. Waldroup's half interest 38.86 acres. Dr. Waldroup subscribed 20 acres of land to the Park, thus leaving 18.86 acres, which he has offered for \$7.00 per acre. This makes a price of \$132.02 for his interest, which the appraisers ask you to approve.

Analysis of Title

Tract No. 141.

1. Tract No. 141 is embraced by State Grant No. 587 issued to Love, Battle and Welch. This Grant is of record in Swain County, and may be seen by reference to page 46 of the Abstract of Tract No. 172.

2. As the chain of title and the different conveyances making up the same that effect State Grant No. 587 have been heretofore treated in the Abstract of Title of Tract No. 172, the same will not be treated here but may be seen by reference to the Abstract of Title of Tract No. 172, beginning with page 46 through page 86. By reference to the above pages of Tract No. 172, it will be seen that Dr. Clarke Whittier acquired all the interest of Love, Battle and Welch to Grant No. 587. However, in the deed from the heirs of Love, Battle and Welch to Dr. Clarke Whittier there are seventy-eight exceptions, these exceptions being tracts sold by Love, Battle and Welch or their legal representatives, prior to the time of the deed for the rest of No. 587 to Dr. Clarke Whittier. Tract No. 141, however, is not an exception in the deed from Love, Battle and Welch to Dr. Clarke Whittier Clarke Whittier having acquired title to Tract No. 141 by deed from Love, Battle and Welch heirs heretofore referred to.

3. On September 11, 1886, Clarke Whittier without the joinder of his wife conveyed to W. L. Kitchen a tract of land containing seventy-five acres, which tract embraces and is hereinafter designated as Tract No. 141. In this conveyance, however, two-thirds of the mineral interest is excepted. This deed is duly recorded in Swain County and may be seen by reference to page 297 of this Abstract.

4. On January 16, 1889, W. L. Kitchen and wife conveyed to John H. Seay and A. J. Hall the aforementioned seventy-five acre tract. In this conveyance two-thirds of the mineral interest is excepted. This deed is duly recorded in Swain County. See page 298 of this Abstract.

5. Thereafter on or about December 25, 1896, John Seay died intestate without having deeded away his interest in the aforementioned seventy-five acre tract, leaving surviving him several heirs at law that will be mentioned hereafter.

6. On August 23, 1897, A. J. Hall was appointed Commissioner by the Superior Court of Swain County to sell the land owned by John Seay at the time of his death. The said A. J. Hall duly filed a petition describing the lands and setting out the heirs of John Seay, who are entitled as heirs at law of said John Seay to receive the purchase money for said lands. The Clerk of the Superior Court after reading said petition found as a fact that the allegations contained in said

petition were true and that the price offered for said lands by the purchaser set out in said petition was reasonable and that the sale of the lands of said minors would promote their welfare. After considering the petition and the evidence offered, the Court signed an order appointing the said A. J. Hall, Commissioner to sell the lands set out in said complaint. This order was approved by the presiding judge of the district, also there appears an order confirming said sale, which was approved by the presiding judge. While this proceeding is not regular in all respects we are of the opinion that the interest of the said minors passed by the deeds hereinafter referred to made by said A. J. Hall, Commissioner. The petition and orders are of record in Swain County and may be seen by reference to page 299 of this Abstract.

7. On March 2, 1900, A. J. Hall, Guardian and Administrator of the minor heirs of John Seay conveyed to E. Everett seventy-five acres of land under discussion. This deed is of record in Swain County. See page 303 of this Abstract.

8. On August 20, 1897, A. J. Hall, Guardian and Commissioner conveyed to E. Everett the seventy-five acre tract above referred to. This deed is of record in Swain County. See page 304 of this Abstract.

9. On August 30, 1897, A. J. Hall with the joinder of his wife conveyed a one-half interest in the seventy-five acre tract under discussion to E. Everett. This deed is also recorded in Swain County. See page 305 of this Abstract.

10. On May 2, 1901, E. Everett, with the joinder of his wife conveyed the seventy-five acre tract acquired by virtue of the three deeds before mentioned to A. T. Weeks. Two-thirds of the mineral interest is excepted in this conveyance. This deed is of record in Swain County. See page 306 of this Abstract.

11. On January 2, 1906, A. T. Weeks and wife conveyed the tract under discussion to W. J. Hayes. This conveyance also excepts two-thirds of the mineral interest. This conveyance is of record in Swain County. See page 307 of this Abstract.

12. On July 21, 1908, W. J. Hayes and wife conveyed to W. N. Randolph the tract under discussion excepting two-thirds of the mineral interest. This deed is of record in Swain County. See page 308 of this Abstract.

13. On October 17, 1911, W. N. Randolph and wife conveyed to R. M. Waldroup and J. E. Coburn the seventy-five acre tract under discussion excepting two-thirds of the mineral interest. This deed is of record in Swain County. See page 309 of this Abstract.

Mr. Rhoads:-

Have taken 5 thin on the
J.J. H. Embree track at 6⁰⁰ for A.

Mr. Bleck says he will accept
service on the Mitchell condensation.

Send me check for \$132.⁰² to cover
the interest with 141 - for R. M. Moulden
and cancel his subscription for
20 A. land - The title is all right.
I am having deed prepared.

Woodbury -

2nd 141 -	<u>77.86</u>	A. % -	38.86 A
			20.00 A 71
			<u>18.86</u>
			7 ⁰⁰
			<u>\$132.⁰²</u>

Entries to reduce Dr. R. M. Waldroup's Pledge
from \$400.00 to \$140.00

	Dr.	Cr.
Subscriptions Funds	\$ 260.00	\$
Sub. Receivable 1926		260.00
To reduce R. M. Waldroups Pledge From \$400.00 to \$140.00 (20 acres of land at \$7.00 per acre)		
	Cr.	Dr.
Susbscriptions Rec.1926	\$ 140.00	
Land donations		140.00