

## NORTH CAROLINA PARK COMMISSION

ASHEVILLE, N. C.

REPORT ON THE MOSE A. WIGGINS TRACT - NO. 142Location:

This tract lies on the waters of Hammer Branch, which is a tributary of Deep Creek. Hammer Branch empties into Deep Creek about 3 miles above its mouth, the junction being where the public road crosses Deep Creek. The road up Hammer Branch is very poor and steep.

Description:

This tract is at present unoccupied. It was located and occupied by the owner many years ago, and was evidently at once time a fine mountain farm. The fences are still in good condition and the cleared land has practically all been set in grass. The soil is rich and productive. A fair orchard is located on the place.

Improvements:

The house is a single story, seven room frame house, ceiled and weatherboarded, in fair condition, unpainted on the outside. The stable is a log and frame building, in fair condition, near the house. The apple house located back of the dwelling house is in fair condition. All of the apple trees are in fairly good condition.

Valuation:

An analysis of the valuation of this tract is as follows:

Dwelling house	\$ 700.00
Barn	150.00
Apple House	25.00
30 acres cleared land, in grass	450.00
63 acres wood land, part of which is well timbered	<u>475.00</u>
	\$1,800.00

This tract is well worth more money, and if the party had not moved out, the appraisers do not believe it could be purchased for less than \$2,400.00. The owner had sold to his son, who is a young man and was considering moving back on the place.

✓

W. H. Woodbury  
S. F. Chapman



## Analysis of Title

### Tract No. 142.

1. Tract No. 142 is located on Deep Creek and is covered by Grant No. 587. As Grant 587 has been discussed in the Abstract of Tract No. 172, and as the chain of title to Tract 142 is the same as the chain of title of Tract 172, pages 40 et Seq., until a conveyance made by R. D. Gilmer, Administrator of James R. Love, Deceased and J. C. Welch, Administrator of R. V. Welch to John E. Shuler, the chain of title to the different conveyances to this point will not be shown in this Abstract, but may be found by reference to the Analysis of Title to the Abstract of Tract No. 172, beginning with paragraph 1 of said Analysis and ending with paragraph No. 10, at which place will be found a full discussion of said chain of title with reference therein made to the several conveyances making up said chain.

2. It will be noticed by reference to paragraph 5 of the Analysis of Title of Tract No. 172 that Emiline Battle, conveyed to Robert G. A. Love, all her interest in Grant No. 587. The method and the different conveyances showing the acquisition of this interest in 587 by Emiline Battle may be found by reference to paragraphs 3 and 4 of the Analysis of Title of Tract 172.

3. By reference to paragraphs 6 and up through and including paragraph 9 of the Analysis of Title of Tract 172, it will be seen that the heirs at law of Robert G.A. Love have acquired all the interest of W. W. Battle in Grant No. 587.

4. In paragraph 10, page 41 of the Analysis of Title of Tract No. 172, it will be seen that the heirs at law of J. R. Love, Deceased, and the heirs at law of R.G.A. Love, Deceased, and R. V. Welch and wife, M. O. Welch conveyed to Dr. Clarke Whittier all their interest in Grant No. 587. However, in this deed of conveyance there are several exceptions, and among these exceptions tract 142 is excepted, leaving the title to Tract No. 142 in R.V.Welch, heirs at law of J.R. Love, and heirs at law of Robert G.A. Love.

5. On April 6, 1900, R. D. Gilmer, as Administrator of James R. Love, Deceased and J. C. Welch as Administrator of R. V. Welch, Deceased, by deed conveyed to John E. Shuler a tract of land containing 153½ acres, which boundary includes tract 142. We have been unable to find from the records the appointment as administrator, of R.D. Gilmer, or the appointment as administrator of J.C. Welch. The records do not disclose whether these parties were duly qualified as administrators and all we have to go by is



the clause in the above conveyance citing the appointment of these administrators. Also we have been unable to find any proceeding authorizing the sale of this tract by the aforesaid administrator, no petition asking for the sale or order authorizing the sale being found of record. Also the records do not disclose that James R. Love or J. C. Welch during their life executed a bond for title covering the above mentioned tract. However, as this tract was accepted at the time the heirs at law of J. R. Love and the heirs at law of R.G.A. Love and R. V. Welch, conveyed all their interest in Grant No. 587 to Dr. Clarke Whittier, there was probably a bond for title outstanding that was never filed for record. Taking for granted that the aforesaid administrators were duly authorized according to law to make this conveyance, there would still be an undivided one-third interest in the above referred to tract outstanding in the heirs at law of Robert G.A. Love, as they failed to join in the aforementioned conveyance. The above deed is duly recorded in Swain County. Page 1048 of this Abstract.

6. On February 14, 1903, John E. Shuler and wife M. E. Shuler executed to M. A. Wiggins a bond for title to 153½ acres of land, which bond for title covers Tract No. 142. This bond is of record in Swain County. Page 1049 of Abstract.

7. On December 14, 1907, J. E. Shuler and wife, Alice Shuler, conveyed to Mose A. Wiggins Tract No. 142. This deed is of record in Swain County. Page 1050 of Abstract.

8. It will be noted by reference to bond for title executed by John E. Shuler to M.A. Wiggins, (page 1049 of this Abstract) that John E. Shuler's wife signs her name M. E. Shuler and by reference to the deed made by J. E. Shuler to Mose A. Wiggins (page 1050 of this Abstract) J. E. Shuler's wife signs her name as Alice Shuler. We have been unable to learn whether or not M. E. Shuler and Alice Shuler were one and the same person.



Tax Value 950<sup>00</sup>

Name of Owner Mar A. Wiggins Address Ela N.C.

County Swain Map No. 142 Total Acreage Claimed 83.58

Soil: Quality A. Good  
✓ A. Fair 30 clear & in grass A. Cultivated 53 A. In Timber  
A. Poor Good ✓

Timber: Kinds Cut over hardwoods Fair  
Poor

Orchard: Acres, Kinds of Trees estimated 10 Condition fair  
all Bearing Trees Young Trees

Springs: Location with reference to and distance from imp. near by

Streams: Name of Creeks Hammes Br. Is Farm well Watered? no

Roads: Kind poor to fair Distance from Improvements 1/4 mile N.

Fencing: Kind rail fence Condition: Good ✓, Fair ✓, Bad ✓

Residence: Kind frame Size 7 No. of Rooms 7  
Condition: Good ✓, Fair ✓, Poor ✓

Other Buildings: No. 4 Kinds Barn, shed, crib & stove house  
Condition: Good ✓, Fair ✓, Poor ✓

My Valuation \$ 1900.00 Owners Price \$ 1800.00

Sign Here W. A. Wiggins



An abandoned place, but has  
had care. All cleared land  
has sown in grass but badly  
growing up in briars and pines  
1/4 mile from public road of Deer  
Creek, steep -  
2-A flat land, balance steep.

House.	700.
Other building	200.
2 A. flat land. 30.	60.
2 P A. cleared 15 -	420
53 A. more land	530.
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	1910.