

NORTH CAROLINA PARK COMMISSION

ASHEVILLE, N. C.

REPORT ON THE BEN LOLLIS TRACT - NO. 144.

LOCATION: This tract is located on the waters of Deep Creek, about 2-1/2 miles from Bryson City.

DESCRIPTION: It is a home place, having been occupied by the owner for many years. It is a very nice small productive farm, the cultivated land being smooth and not very steep. The woodland has been cutover, but there is a fair stand of timber left on it.

IMPROVEMENTS: A 4-room box house, barn and other outbuildings, all in fairly good state of preservation. The cultivated land is fenced and well tended.

VALUATION: The valuations are arrived at as follows:

4-room box house	\$200.00
Barn and outbuildings	250.00
15 acres of flat land	450.00
10 acres of cultivated upland	200.00
10 acres of grown up fields	100.00
62 acres of woodland	<u>\$00.00</u>
97 acres	
Total	\$1,800.00

This is the option price, and the appraisers recommend the purchase.

Analysis of Title

Tract No. 144.

This tract is partly covered by Grant No. 993 and partly by Grant No. 587, which will be discussed separately.

1. Grant No. 993 was issued to John A. Millsaps, Assignee of David Shuler, and is dated November 25, 1870. This grant covers a tract of seventy-one acres, which is fully described in the grant. It is registered in Swain County. Page 401 of Abstract.

2. On March 1, 1871, John A. Millsaps conveyed to Enos A. Gunter a two-thirds interest in said tract and to Elizabeth Lollis a one-third interest. The description in this deed is the same as that contained in the grant. This deed is registered in Swain Co. Page 402 of Abstract.

3. By deed dated April 28, 1873, Elizabeth Lollis conveyed to Enos A. Gunter her interest in the lands covered by Grant No. 993, the description being identical with the grant. This deed is recorded in Swain County. Page 403 of Abstract.

4. By deed dated April 10, 1889, Enos A. Gunter and wife, Mary Gunter and Elizabeth Lollis conveyed to A. J. Parris a tract of land containing forty-six and one-third acres, being a part of the land embraced in Grant No. 993. This deed is recorded in Swain County. Page 404 of Abstract.

5. Sometime prior to February 18, 1915, A. J. Parris died leaving the following heirs at law:

M. C. Parris,  
S. B. Parris,  
J. G. Parris  
Mary E. Jones, wife of H. H. Jones,  
E. Lee Parris,  
Robert Parris and W.W. Parris and  
Grover Parris

An affidavit should be secured as to the heirs at law of said A. J. Parris.

6. By deed dated February 18, 1915, M. C. Parris, S. B. Parris and wife, Gertrude, J. G. Parris and wife, Abie Parris, W. W. Parris, H. H. Jones and wife, Mary E. Jones, E. Lee Parris and wife, Josie Parris, Robert Parris and Grover Parris executed a deed to J. H. Cassada for two tracts of land covering in part tract No. 144. The first tract in this deed contains forty-six and one-third acres and is the same as that conveyed by Enos A. Gunter and wife and Elizabeth

Lollis to A. J. Parris. The other portion of No. 144 covered by this deed lies northeast of and adjoining Grant No. 993 and within the boundary lines of Grant No. 587. T. 405.

7. By deed dated April 1, 1915, W.W.Parris, a single man, conveyed to W. H. Cassada a tract of land including a portion of Tract No. 144. It will be noted that this deed is recorded in the name of W. H. Cassada. This is evidently an error in the record and should have been J. H. Cassada. T. 406

8. By deed dated August 4, 1919, J. H. Cassada and wife, Minnie, conveyed to Ben Lollis two tracts of land, the first containing forth-six and one-half acres and the other covering the portion of Tract 144 lying north east of the eastern line of Grant No. 993. This deed is recorded in Swain County. Page 407 of Abstract.

### GRANT NO. 587.

9. Grant No. 587 is a very large grant which was originally issued to Love, Battle and Welch and is fully set out in the Abstract of Tract No. 172. The chain of title will not be repeated at this place as it is very long and will be fully covered in consideration of other titles including Tract No. 172.

10. On June 9, 1896, R. D. Gilmer, Administrator, de bonis non of James R. Love, Deceased, and James C. Welch, Guardian of R.V. Welch executed a deed to A. J. Parris covering that portion of Tract No. 144 which lies northeast of the eastern line of Grant No. 993 and which was conveyed by the heirs at law of A. J. Parris to J. H. Cassada as above set out. This deed is recorded in Swain County. Page 409 of Abstract.

11. The Champion Fibre Company obtained title to a large body of land embracing those covered by Grant 587 to Love, Battle and Welch and on November 6, 1923 executed a deed to Ben Lollis for a tract of land containing twenty-four acres more or less, lying along the southwestern side of Grant No. 993. In this deed the Champion Fibre Company reserved all saw timber of a diameter of sixteen inches or more at the stump to be removed within a period of ten years, with an additional ten year period if necessary and also reserves for a like period all rights of ingress, egress and regress for the construction of roads over the land conveyed for the purpose of cutting and removing the timber and the right to locate on the said tract of land a saw mill if necessary. This deed is recorded in Swain County. Page 410 of Abstract.

### MORTGAGES AND PRIOR CONVEYANCES.

1. By deed dated January 27, 1882, E.A. Gunter at that time the owner of Grant No. 993 conveyed to A. S. Horseley and Company "twenty-seven marked walnut trees on my land in Charleston District

of Swain County". My information is that these trees were removed under this instrument.

2. On November 26, 1886, E.A. Gunter executed a mortgage to E. Everett to secure an indebtedness therein described covering Grant No. 993. Full payment of the Deed in Trust is acknowledged on the margin of the record. This instrument is recorded in Swain County. Page 412 of Abstract.

3. On April 22, 1887, E. A. Gunter granted to E. Everett the privilege of mining on Grant No. 993 for a term of three years from that date. This deed is recorded in Swain County. Abstract page 413 .

4. By Deed of Trust dated July 11, 1915, J. H. Cassada conveyed to W. M. Taylor, Trustee for M. C. Parris and others, the two tracts of land known as the Jeff Parris home place and described as being the land the said Jeff Parris died seized of. On January 1, 1917, W. M. Taylor on the margin undertook to release from the operation of this Deed in Trust that portion of the land deeded by J. H. Cassada to HESSIE SUTTON. There is no attempted release as to the other portion of the land, which would be barred by the statute, and a release should be secured if possible. T. 414.

5. By deed in Trust dated September 15, 1917, J. H. Cassada conveyed to Luther Baker, Trustee for Joe Fee Shuler, a tract of land containing seventy-two acres and being the home place where he then lived. Acknowledgment of the payment of this Deed in Trust is made on the margin of the record on August 6, 1917, by said Shuler. This instrument is recorded in Swain County. Page 415 of Abstract.

6. By Deed in Trust dated January 2, 1919, J. H. Cassada conveyed to W. J. Jenkins, Trustee for R. L. Snelsom, the lands covered by deed from M. C. Parris and others and registered in Book 41, page 402. This Deed in Trust was given to secure an indebtedness of about \$335.00 with interest and is canceled. This instrument is recorded in Swain County. Page 416 of Abstract.

# NORTH CAROLINA PARK COMMISSION

## ATTORNEY'S CERTIFICATE AND OPINION

Tract No. 144

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.....:

Ben Lollis

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. J. H. Cassada conveyed a portion of Tract No. 144 to Ben Lollis. There is an old deed in trust given by Cassada which is uncanceled, but cancellation can be secured.
3. The Champion Fibre Company conveyed a small portion of Tract No. 144 to Ben Lollis, amounting to about 15 acres. In the deed Champion Fibre Company excepted the timber 16 inches and up with the right to enter on the land for the purpose of sawing and removing timber. This right is now outstanding, and my information is that the amount of timber so reserved would be about 5,000 or 6,000 feet.

(COPY OF ORIGINAL).

This 13th day of May, 1929.

Address.....

*John W. Mc...*  
Attorney.

P. O. Box 1232,

Asheville, N. C.

May 20, 1929.

Mr. Ben Lollis,  
Bryson City, N. C.

Dear Mr. Lollis:

The title to your land within the Park area has been approved.

We have already drawn a check in payment therefor, and it is now in the hands of our title attorney, in Bryson City, Mr. Zebulon Weaver.

If you and Mrs. Lollis will call at the Park Commission office in Bryson City in the next few days and execute the deed, Mr. Weaver will be pleased to turn the check over to you.

Yours very truly,

NORTH CAROLINA PARK COMMISSION

By