

NORTH CAROLINA PARK COMMISSION

ASHEVILLE, N. C.

REPORT ON THE W. C. RANDALL TRACT * NO. 149Location:

These lands are located on Deep Creek about 4 miles above its mouth, adjoining lands of Champion Fibre Company on a public highway, which is in very poor condition at this point.

Description:

This property consists of two adjoining tracts. It consists of part mountain slope, not very steep, lying on the west bank of Deep Creek, there being about 6 acres of cleared land, the balance cutover timber land. The cleared land is only in fair condition.

Improvements:

The house is one story, three room box, in good condition, practically new, it being the only improvement on the place.

Valuation:

The values are arrived at as follows:

House	\$150.00
6 acres cleared land	90.00
39 acres Cutover wood land	<u>210.00</u>
	\$450.00

M. N. Woodbury
S. J. Chapman

Purchased Aug. 26, 1929

Analysis of Title

Tract No. 149.

1. Tract No. 149 is embraced by State Grant No. 587 issued to Love, Battle and Welch. This Grant is of record in Swain County. See page 46 of the Abstract of Title of Tract No. 172.

2. Tract No. 149 is embraced by a portion of two separate tracts from Grant No. 587.

3. On November 25, 1880, James W. Terrell and Thomas D. Johnson, Attorneys for W. H. Thomas conveyed to George W. Shuler a tract of land containing 150 acres. Tract No. 149 is a portion of this 150 acre tract. The power of attorney authorizing this conveyance is of record in Swain County. See page 1212 of this Abstract. We have been unable to find from the records any conveyance to W. H. Thomas covering this 150 acres tract and are unable to say where he acquired title to this land. However, we are positive that this 150 acres is a portion of State Grant No. 587 as it is Exception No. 40 in the deed from the Love, Battle and Welch heirs to Dr. Clarke Whittier, which said deed is shown in the Abstract of title of Tract No. 172, page 57.

4. On February 25, 1884, George W. Shuler and wife, conveyed to W. P. Shuler the tract above mentioned. This deed is of record in Swain County. See page 1213 of this Abstract.

We will not take up the chain of title of another portion of State Grant No. 587 which composes a part of Tract No. 149.

5. On November 4, 1879, W. L. Hilliard, S. L. Love, R.G.A. Love as Executors of James R. Love and R.G.A. Love and R. V. Welch for themselves, by their agent, E. Everett, conveyed a tract of land containing one hundred acres to Nelby Chiseli, Indian. This tract is also a portion of State Grant No. 587 and is set out in the deed from the Love, Battle and Welch heirs to Dr. Clarke Whittier as Exception No. 41. We have searched the records of Swain and Jackson Counties and are unable to find the Will of J. R. Love probated and are unable to say whether or not W. L. Hilliard, S. L. Love and R.G. A. Love were duly appointed Executors; but presume they were since this deed above mentioned is made by them as such executors. We have also been unable to find a power of attorney from R.G.A. Love and R. V. Welch to E. Everett authorizing this conveyance.

6. On August 31, 1885, Sante Martin and wife, Da-Ga-Nee Martin, and George Martin heirs of Nelby Chiseli, conveyed to W. P. Shuler a 100 acre tract above mentioned. This deed is duly recorded in Swain County. See page 1215 of this Abstract. We now have the two tracts that embrace Tract No. 149 vested in W. P. Shuler.

7. On December 16, 1895, W. P. Shuler and wife conveyed the two above mentioned tracts to G. W. Jenkins. However, in this deed the mineral interests are reserved, three-fourths of said mineral interest to the use of the Love heirs and one-fourth to the use of W. P. Shuler's heirs. From the language used in reserving the mineral interest we are unable to say whether the mineral interests are reserved in both tracts or only in the second tract which is known as the Corn Tassel Place.

8. On August 21, 1923, G. W. Jenkins and wife, conveyed to W. A. Hunnicutt a fifteen acre tract, which is a portion of the 150 acre tract that has been discussed heretofore. This deed is of record in Swain County. See page 1217 of this Abstract.

9. On January 22, 1908, G. W. Jenkins and wife conveyed to William Hunnicutt a tract of land containing 100 acres which is the tract known as the Martin Tract. This deed is of record in Swain County. See page 1218 of this Abstract.

10. On March 21, 1903, G. W. Jenkins and wife conveyed to William Hunnicutt a tract containing seventy-five acres which is a portion of the 150 acre tract heretofore discussed.

11. On November 18, 1911, William Hunnicutt, single, conveyed to J. P. Hunnicutt a tract of land containing thirty acres which tract is a portion of the Martin Tract. This deed is of record in Swain County. See page 1220 of this Abstract.

12. In 1912, J. P. Hunnicutt and wife, conveyed to W. A. Hunnicutt a thirty acre tract mentioned in the above paragraph. This deed is of record in Swain County. See page 1221 of this Abstract.

13. On May 4, 1927, W. A. Hunnicutt and wife, conveyed to W. C. Randall two tracts of land - a fifteen acre tract and a thirty acre tract - which two tracts make up tract No. 149. This deed is of record in Swain County. See page 1222 of this Abstract.

14. On July 20, 1927, W. C. Randall conveyed to Mark Jenkins the land mentioned in the preceding paragraph of this Analysis.

15. On July 20, 1927, Mark Jenkins and wife executed and delivered to Thurman Leatherwood, Trustee, a Deed in Trust on two tracts of land, being the same land deeded to them by W. C. Randall on July 20, 1927, which Deed in Trust contains a power of sale authorizing the Trustee to sell at public auction, should default be made in the payment of the indebtedness thereby secured. This Deed in Trust is of record in Swain County. See page 1224 of this Abstract.

16. On October 15, 1928, Thurman Leatherwood, Trustee, conveyed to W. C. Randall the land described in the Deed in Trust mentioned in the preceding paragraph of this Analysis. This deed is of record in Swain County. See page 1225 of this Abstract.

17. We find on record in Swain County a deed from J. H. Ditmore and wife to William Stevens, describing the land known as the Corn Tassel Place, containing 100 acres. We have been unable to determine from what source J. H. Ditmore derived title to this tract and the records do not disclose that William Stevens has ever conveyed the interest he held by virtue of the above conveyance and so far as we have been able to determine William Stevens has never made a conveyance of this land.

18. On September 1, 1924, W. A. Hunnicutt and wife deeded to the Champion Fibre Company a right of way, which right of way effects a portion of Tract No. 149. See page 1228 of this Abstract.

19. On December 13, 1922, W.A. Hunnicutt and wife conveyed to the Champion Fibre Company a right of way, which right of way effects a portion of Tract No. 149. See page 1230 of this Abstract.

20. On December 13, 1922, G. W. Jenkins and wife conveyed to the Champion Fibre Company a right of way, which effects Tract No. 149. See page 1231 of this Abstract.

21. There are five Deeds in Trust on record in Swain County which effect Tract No. 149 that have never been cancelled of record. See page 1232 to 1236 of this Abstract.

22. The Deeds of Trust effecting Tract No. 149 that have been cancelled of record may be seen by reference to pages 1237 to 1244 of this Abstract.

NORTH CAROLINA PARK COMMISSION

JUDICIAL PROCEEDINGS

1. Proceedings in all courts affecting the title of the lands abstracted must be set forth and attached hereto in chronological order, and in such detail as will show all jurisdictional facts averred in the proceedings, proper parties, sufficient service to bring all necessary parties into court, all orders and decrees up to and including confirmation of sale.
2. When minors, insane persons or any other persons for whom a guardian *ad litem*, committee and such like are required to be appointed, are interested, the appointment and acceptance must be shown; it must appear that all statutory requirements have been complied with. Give names of all plaintiffs and defendants.

Slayden Fakes and Co.

vs

W. C. Randall

1. Court Superior _____ County Swain _____
2. Kind of action Collect Debt _____
3. Date of filing 4-29-29 _____
4. Date of filing *lis pendens* _____
5. Judgment recorded in Book 10 _____ Page 502 _____

PROCEEDINGS

Judgment	\$232.00
Interest 4-29-29	4.64
Cost	7.80
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	\$244.44

Executive issued May 28, 1929.

No returns.

NOTE: Interest computed until August 15,

NORTH CAROLINA PARK COMMISSION

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2. When minors, insane persons or any other persons for whom a guardian *ad litem*, committee and such like are required to be appointed, are interested, the appointment and acceptance must be shown; it must appear that all statutory requirements have been complied with. Give names of all plaintiffs and defendants.

R. M. Waldroup

vs

Allwn Dunn and
W. C. Randall
Security

1. Court Superior County Swain
2. Kind of action
3. Date of filing Fall Term 1927
4. Date of filing *lis pendens*
5. Judgment recorded in Book 10 Page 385

PROCEEDINGS

Judgment \$136.00

Interest 3-19-25 .36.04

Cost 19.36

\$191.40

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NORTH CAROLINA PARK COMMISSION

ATTORNEY'S CERTIFICATE AND OPINION

TRACT NO. 149.

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.....:

W. C. Randall, Widower,

..... 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

REVISED OPINION

1. Subject to taxes, 1929.
2. Subject to mineral interest reserved in deed from W. P. Shuler to G. W. Jenkins. This interest is reserved for the benefit of the Love heirs and W. P. Shuler.
3. Subject to right of way to Champion Fibre Company, recorded in Book 51, page 163.
4. Subject to right of way recorded in Book 51, page 566.
5. Subject to Deed in Trust from W. A. Hunnicutt and wife to S. W. Black, Trustee to Champion Fibre Company to secure \$100.00 dated September 1, 1924.
6. Subject to deed in trust, W. A. Hunnicutt and wife to S. B. Hunnicutt, Trustee for W. S. Hunnicutt to secure \$250.00, dated November 18, 1912. This is reported to have been paid but is not canceled.
7. Subject to Deed in Trust from W. S. Hunnicutt to W. A. Watkins for George W. Jenkins to secure \$350.00, dated March 27, 1902. This is said to have been paid but is not canceled of record.

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This 26th day of August, 1929.

Feb 12, 1929
Mr. Wrenn will see that title is cleared up before chart is filed