

Analysis of Title

Tract 154.

Hattie McCracken - 13.95 Acres.

This tract is covered by the following grants:

Grant No. 495 to Solomon Newton,  
" 685 to John Millsaps,  
Tract No. 510 ( no grant found)

1. Grant 493 was apparently issued to Solomon Newton. This grant is for what is known as the Poplar Cove Tract and from recitals in subsequent deeds it appears to have been issued to Solomon Newton sometime prior to April 24, 1855. The tract, itself has been in long continuous adverse possession under conveyances from Solomon Newton and others down to and including the present owners, the occupants. By reason of this possession, the fact that we have been unable to find a grant is not essential. A portion of Tract 154 is embraced within the northwestern corner of Grant 495.

2. Solomon Newton conveyed to John A. Millsaps by deed dated April 24, 1855, a tract of land containing fifty acres described by metes and bounds and referred to as tract No. 495, Section No. 4387 on the waters of Deep Creek. This deed covers all of grant 495 and is registered in Jackson County. This deed is set out in the Abstract of tract 153, page \_\_\_\_.

3. By deed dated March 1, 1871, John A. Millsaps conveyed to W. L. Morris two tracts of land, one of these tracts covering that portion of tract 154 lying within the grant lines of 495 and also including another portion of tract 154 lying adjoining grant 495 on the west and south of the line of grant 685. This deed is registered in Swain County and is set out in Abstract of title to tract 146. Page .

T R A C T N O. 5 1 0.

4. As above stated a portion of tract 154 lying south of the line of grant 685 is embraced within what is referred to in the conveyances as tract 510. We do not find any grant for No. 510 but by the deed last above referred to from John A. Millsaps to W. L. Morris, this portion of tract 154 became vested in said W. L. Morris.

5. Still another small portion of tract 154 lying north of the southern line of grant 685 and covered by that grant is em-



braced within tract 154. The title to this portion thereof is as follows:

6. Grant No. 685 was issued to John A. Millsaps on December 29, 1860 and covers a tract of 300 acres embracing this portion of tract 154. This grant is registered in Jackson County and is fully set out on page 92 of the Abstract of title to tract 167.

7. John A. Millsaps died leaving a will dated October 21, 1872, probated November 21, 1885 and recorded in Book 1, page 14 of wills at the Office of the Clerk of the Superior Court of Swain Co. This will makes a number of specific devises, none of which, however include the lands under investigation. It further provides that the executor of the will should sell the lands of the testator not specifically devised and conferred such power upon the executor. The will then names E. Everett as executor. It is fully set out on page 93 of the Abstract of title to tract 167.

8. We then have a deed from E. Everett executor of the will of John A. Millsaps to W. L. Morris dated January 26, 1880, conveying all of the lands embraced within grant 685, excepting the tract referred to as the Elizabeth Lollis tract and also such portion of grant 587 issued to Love, Battle and Welch as lapped upon Grant 685. Neither of these exceptions affect the lands under investigation. This deed is recorded in Swain County and is fully set out on page 94 of the Abstract of title to tract 167.

9. By the foregoing conveyances from John A. Millsaps to W. L. Morris and from E. Everett, Executor of the will of John A. Millsaps, the title to tract 154 became vested in W. L. Morris.

10. W. L. Morris, by a deed dated September 22, 1925, then conveyed to Mattie McCracken a tract of forty acres covering all of tract 154. This deed is recorded in Swain County and is set out on page 614 of this Abstract.



## Analysis of Title

### Tract 154-a.

Hattie McCracken - 25.03 Acres.

This tract is covered entirely by Grant 685 which was issued to John A. Millsaps. The title is identical with that portion of tract 154 referred to in the Analysis of that tract derived under grant 685, and will not be repeated at this point. The title to this is set out in the Abstract of title to tract 167 on pages 92, 93 and 94 and as will appear there from became vested in W. L. Morris.

1. W. L. Morris by deed dated September 19, 1923, conveyed a tract to W. S. Hunnicutt a tract of forty acres which covers and includes tract 154-a. The northern end of this tract, however, apparently extends across the line of grant 587 which was issued to Love, Battle and Welch, the title to which is now claimed by the Champion Fibre Company. Apparently the Champion Fibre Company has located its southern line at this point so as not to include any portion of tract 154, the line as now fixed crossing north of the mouth of Indian Creek. Apparently, however, the true line of grant 587 would or might cross south of the mouth of Indian Creek and south of the north line of Grant 685. If this be true, then the portion of tract 154-a lying south of the line of 685 would be defective in so far as the record title is concerned, for the reason that in the deed above referred to from E. Everett, executor of the will of John A. Millsaps to W. L. Morris, which conveyed grant 685 except that portion thereof covered by grant 587 and therefore, would not have passed to said W. L. Morris by that conveyance. This deed from W. L. Morris to W. S. Hunnicutt is registered in Swain County. Page 615 of this abstract.

2. W. S. Hunnicutt and wife, Lottie M. Hunnicutt, executed to W. M. Taylor, Trustee for W. L. Morris, a deed in trust dated September 19, 1923, for the same forty acre tract of land which on that day had been conveyed from W. L. Morris to W. S. Hunnicutt to secure an indebtedness of \$270.00. This deed in trust is registered in Swain County and is set out on page 616 of this Abstract.

3. By deed dated November 30, 1925, W. M. Taylor, Trustee, conveyed to Hattie McCracken, the same tract of forty acres. This deed recites a sale by said trustee under the terms of the deed in trust last above mentioned at which same W. L. Morris became the last and highest bidder at the price of \$133.00 and that said bid had been assigned by said Morris to Hattie McCracken. This deed is registered in Swain County. Page 617 of Abstract.



NORTH CAROLINA PARK COMMISSION

ASHEVILLE, N. C.

REPORT ON TRACTS NOS. 154 and 154-a - 40.98 acres now

BELONGING TO HATTIE MCCracken.

**Location:** These tracts lie on the waters of Deep Creek near the mouth of Indian Creek about three miles from Bryson City and adjoins the lands of other small property owners.

**Description:** These tracts are not improved. The large timber has been removed many years ago. The land is steep has a good growth of young timber and one of the tracts lies across the waters of Deep Creek below the old Bryson City power dam.

**Valuation:** The valuation put on these two tracts is \$450.00, and an option was taken at this price.

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Appraisers

APPROVED BY THE EXECUTIVE COMMITTEE  
NORTH CAROLINA PARK COMMISSION

Purchased 9/16/29