

Analysis of Title

Tract No. 163.

William Cope

Tract No. 163 is covered by the following Grants:

Grant No. 967 to E. B. Olmstead  
" " 125 " A. W. Parris (in part)  
" " 7621 " James N. Cline  
And probably by Grant 121 to W. P. Hyde

However, Grant 967 is superior in title to all of the Grants above mentioned. And as will be shown by the Abstract hereinafter, the title of William Cope became connected with the title under Grant 967, issued to E. B. Olmstead. It will be necessary, however, to set out a number of deeds under which these lands were apparently claimed under Grant 7621.

G R A N T 7 6 2 1.

1. Grant No. 7621 was issued to James N. Cline, Assignee, on April 8, 1886. It was issued upon Entry No. 659 to J. A. Bowers and covered a tract of 565 acres. This grant is recorded in Swain County. Page 706 of Abstract.

2. Entry No. 659 was laid by J. A. Bowers on January 31, 1876. It is recorded in Entry Book in the Office of the Register of Deeds of Swain County. Page 707 of Abstract.

3. J. N. Cline and wife, J. J. Cline, on February 25, 1889 executed a quit claim deed to A. H. Hayes for the same tract of land covered by Grant 7621. This deed is recorded in Swain County. Page 708 of Abstract.

4. The next deed we find of record is a deed from A. H. Hayes and wife, M. E. Hayes, G. E. Shuler and wife, C. H. Shuler to S. G. Shuler dated March 3, 1897. This deed conveys a tract of ninety-five and one-half acres covering tract 163. It is not apparent from the records as to why G. E. Shuler and wife, C. H. Shuler joined in the execution of this deed. The deed is recorded in Swain County. Page 709 of Abstract.

5. S. G. Shuler and wife, L. E. Shuler, then conveyed the same ninety-five and one-half acres to J. S. Branton, by deed dated December 30, 1902. This deed is recorded in Swain County. Page 710 of Abstract.

6. J. S. Branton then executed a deed to William Cope dated October 5, 1908, for the same tract of ninety-five acres. This deed is signed by Emma Branton wife of J. S. Branton and her privy examination is taken but apparently her name does not appear in the body of the deed. If living, a quit claim should be obtained for the dower interest of said Emma Branton. This deed is recorded in Swain County. Page of Abstract. 711.

7. William Cope and wife by deed dated January 31, 1921, conveyed to W. L. Cope the same tract of ninety-five and one-half acres. This deed contains a provision that the said W. L. Cope and wife, Delphia Cope, were to have possession of this tract as long as they lived, the said Delphia Cope to have one-third of said land during her lifetime, on the lower end of the tract. This deed is recorded in Swain County. Page 712 of Abstract.

#### GRANT 967.

8. The title under Grant No. 967 is superior in so far as the record title is concerned to all of the other grants mentioned. The title to this tract became vested in the heirs at law of Rufus Y. McAden. This title is fully set out in the Abstract of Tract 159 and will not be repeated here. Reference is made to the said Abstract, pages \_\_\_\_\_.

9. In 1905, while J. S. Branton, one of the grantors in the foregoing deeds was in possession of said lands and claiming title thereto under Grant 7621, an action of ejectment brought by the heirs at law of the said R. Y. McAden against said James Branton and others. A decree in so far as the said James Branton is concerned was rendered at July-August Term 1905 of the Superior Court of Swain County. The decree recites a compromise between the plaintiffs and the said James Branton and stated that plaintiffs had contracted and sold their interest in said ninety-five acres of land for the price of TWENTY DOLLARS and that in consideration of the said compromise and payment, the said James Branton was declared to be the owner in fee simple in ninety-five acres of land, which is fully described in said decree, the description corresponding with that set out in the deed heretofore mentioned from S.G. Shuler and wife, L. E. Shuler, to J. S. Branton. This decree is recorded in Minute Docket Book 7, page 175 in the Office of the Clerk of the Superior Court of Swain County. Page 713 of Abstract.

#### GRANT 125.

10. While Grant 125, issued to A. W. Parris, apparently covers a portion of Tract 153, we do not find any conveyance attempting to connect the title of William Cope with this grant. This, however, is immaterial because of the long possession of said William Cope and those under whom he claims and because of the fact that in the decree rendered in the case of Giles M. McAden and others against James Branton, the latter was adjudged to be the owner in fee simple of tract of ninety-five acres involved. The effect of this decree was to vest in J. S. Branton a superior title under Grant 967.

NORTH CAROLINA PARK COMMISSION

ATTORNEY'S CERTIFICATE AND OPINION

Tract 163.

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.....:

William Cope (Arthur Nolen).

..... 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. This tract became vested in William Cope. By deed dated January 1, 1921, he conveyed the tract to his son, W. L. Cope. In the habendum he conveyed a two-thirds undivided interest and the deed further provides that said William Cope and wife, Delphia Cope, Grantsboro should have possession of the land as long as they lived and the said Delphia Cope "to have one-third of said land during her lifetime on the lower end".

W. L. Cope subsequently dies leaving a widow, who later married Arthur Nolen.

William Cope is also dead but his widow, Delphia is still living. He also left heirs at law.

A two-thirds interest in this title is, therefore, outstanding in the heirs of W. L. Cope and apparently the other one-third in the heirs of William Cope. It is also subject to the life interest of Delphia Cope, the widow of William Cope and the dower right of the wife of W. L. Cope, now married to Arthur Nolen.

## NORTH CAROLINA PARK COMMISSION

Abstract of Satisfied Mortgages or Deeds of Trust

(NORTH CAROLINA)

Below give language of release or cancellation, and if by other than the original payee the authority must be shown by which the cancellation or release is made.

W. L. Cope

to

W. M. Taylor

Trustee for

Bryson City Motor Co.

#### DESCRIPTION OF PROPERTY

Being home place of W. L. Cope ninety-five acres on Indian Creek. Being the land owned by W. L. Cope deceased the part herein deeded in trust being my entire interest in the above described tract of land.

THE RELEASE OR CANCELLATION OF ABOVE MORTGAGE OR DEED OF TRUST IS AS FOLLOWS:

This deed in trust having been satisfied in full I  
hereby cancel same. This 16th day of Dec. 1924.

Bryson City Motor Co.

Witness  
Reg. Deeds  
F. C. Feller

W. M. Hughes

All cases and authorities relied upon to cure any defects in this instrument or proceedings thereon or to support

Heirs at law of William Cope, deceased.

W. L. Cope (dead) his widow married Auther Moles Smokemont, N. C.  
Mary Cope ( married Geo. Mashburn) Grassy Branch, Swain  
Julia Cope ( married Sam Chastine) three miles above Sylva, N. C.  
Rosa Cope ( married Ellis Ensley ) three Miles above Sylva, N. C.  
Rebeca Cope ( married Ensley } three miles above Sylva, N. C.  
Dollie Cope Married Austin Ensley three miles above Sylava, N. C.

Note: Mrs. Moles had one child by  
Cope Harold Cope 4 yrs. old.  
Philippia Cope, widow  
Geo. Cope, wife  
Walter Cope & wife

Died from heirs of William Cope and  
his widow Philippia Cope.

NORTH CAROLINA PARK COMMISSION  
ASHEVILLE, N. C.

April 30, 1929.

REPORT ON THE ARTHUR MOLES (WM. COPE) TRACT - NO. 163.

LOCATION: This property is located on the waters of Indian Creek, a tributary of Deep Creek; off from the public road.

DESCRIPTION: An abandoned farm, of which 25 acres are cleared and 63 acres in woodland. The woodland is not very extensively cut over, there being a good stand of timber left on the place. The cleared fields are growing up.

IMPROVEMENTS: An old cabin in bad condition, for which no allowance has been made.

VALUATION: A price of \$10.00 per acre is the appraisal value, there being 88.32 acres in the tract. The option price is \$883.00.

P. O. Box 1232,  
Asheville, N.C.

June 8, 1929.

Mr. J. W. Stiles,  
Box 163,  
Tryon, N. C.

Dear Sir:

We have a letter of yours to Mr. W. W. Jenkins, dated May 25th, and it was the intention of Mr. Jenkins and the writer to go to see you this week, but circumstances prevented this being done.

We want to purchase all of the outstanding interests of the William Cope property on Indian Creek, and have already traded with his widow, Mrs. Arthur Moles, and we understand that there is an outstanding interest belonging to her sister at Tryon, which can be secured for \$100.00.

The writer is not certain as to just what is necessary to do to enable us to secure all of the outstanding interests, as he is informed that there are some heirs at law who will have to be reckoned with, who were the children of William Cope.

Will you kindly advise us the name and address of each heir, if you can, and also tell us where we could find you, and it may be that before the end of the month, we will run down there and talk the matter over with you. As the writer has this matter in charge, address him c/o the Commission, at Box 1232, Asheville, N. C.

Yours truly,

NORTH CAROLINA PARK COMMISSION

By

WHW:S

Tryon, N.C.  
May 25, 1929.

Mr W. W. Leek ing.

My dear friend will answer your letter received to day. if you wanted to know about the interest in the Cape land she has got one third. brother Jim told me you said you would give her one hundred dollars for her part she is staying with me now as said she

had rather to take it  
to wait till it was sold.  
Arthur Males wife has  
got the deed you can look  
the deed up and I will  
bring her to Ashville  
then she can sign the  
deed for she isent able to  
come on home. Write me  
back on return mail and  
let me know what you  
are going to do about it.  
Write me when they are  
going to go to work at the  
park I am wanting to come  
back home to work I am  
getting tired of this

ix  
country. I have got a  
new boy now and he  
is wanting to come back  
to his own country to work  
and you will me if there  
will be any work there  
shortly.

your friend  
J. W. Stiles  
30163

Tryon, N.C.

June. 6.29

Bryson City N.C.

Mr W. W. Wadderry.

% N.C. Park commision.

P.O. Box. 1232,

Asheville N.C.

Dear Sir, In regard to The John Styles. Enclosed is his Letter to Me. Will Wiggins is in atlanta. But he Told me that Only Two Thirds of the Cope Track On Indian Creek Was Transfered to Arthur Meeses Wife. This Leaving One Third in the Heirs,

Meeses Wife was Fate Copes Widdew. What we Want to Know of John Styles. he is the rest of the Heirs. and Where do they Live,

He Will Help Get the Rest of the Heirs so as to Get the One hundred For his Mother he is livving With him,

Verry Truley Yours,

*W.W. Jenkins*

Page.....  
NORTH CAROLINA PARK COMMISSION

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