

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, C. 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 7681, 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 173 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 163, 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.

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 Moles).

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, Grantors 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 Moles.

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 Moles.

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 Sylva, N. C.

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

Died from heirs of William Cope and
his widow Delfhia Cape.

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. Stilos,
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

Tryon, N.C.
May 25, 1929.

Mr W. W. Jeeking.

My dear
friend Will answer your
letter recievd to day. you
wonted to know about the
interest in the Cape but
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 and 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 Asheville
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

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

your friend
J. W. Stiles
Box 163

Troy, N.C.

June.6.29

Bryson City N.C.

Mr W.H.Woodberry.

% N.C.Park commission.

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 Onley Two Thirds of the Cope Track On Indian Creek Was Transfere to Arther Moses Wife. This Leaving One Third in the Heirs,

Moses Wife was Fate Copes Widdow. 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 Truly Yours,

W.W. Jenkins

Page.....

NORTH CAROLINA PARK COMMISSION

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