

NORTH CAROLINA PARK COMMISSION

ASHEVILLE, NORTH CAROLINA.

Report on J. B. Queen Tract (owned by heirs) No. 164, 24.09 acres.

Location, This tract is located on Indian Creek a tributary of Deep Creek, about 5 miles from Bryson City and adjoins the lands of other small property owners.

Description, This is an abandoned home tract all steep land, buildings practically all rotted down, about 8 acres have been cleared but are growing up, the wood land has all been cut over.

Valuation, Parties offer to take \$300.00 for this property and the appraisers recommend the purchase. No option has been taken but parties suggest that a deed be prepared and sent around to the heirs who will all sign. This is being done awaiting your approval.

Verne D. Reader
S. J. Chapman
J. D. Monday
APPRaisERS

Analysis of Title

Tract No. 164.

J. B. Queen

Tract No. 164 is covered entirely by Grant 967 to E. B. Olmstead, partly by Grant 7621 to J. N. Cline and also apparently by Grant 121 to W. P. Hyde.

The title of Grant 967, however, is superior to all of these grants. It appears, however, that the present claimant derived through a chain of conveyances title under Grants 967 and 121. We will first set out the chain of title of Grant 121.

GRANT 121

1. Grant No. 121 was issued to W. P. Hyde on October 13, 1880. This grant conveys 273 acres of land and from the calls evidently covers a tract of land lying adjoining the Morris tract embraced in Grant 32. However, it has not been possible to locate Grant 121 satisfactorily. This, however, will become immaterial because of subsequent developments in this title. This grant is recorded in Swain County. Page 784 of Abstract.

2. By deed dated April 8, 1885, W. P. Hyde and wife, S. E. Hyde conveyed a tract of ninety acres apparently a portion of Grant 121 to J. D. Wiggins. This deed is recorded in Swain County. Page 985 of Abstract.

3. J. D. Wiggins and wife, S. J. Wiggins, conveyed the same ninety acres of land to W. A. Honeycutt by deed dated September 9, 1891. This deed is recorded in Swain County. Page 786 of Abstract.

4. W. A. Honeycutt conveyed to A. S. Swain the same tract of ninety acres. This deed is recorded in Swain County. Page 987 of Abstract.

5. A. S. Swain and wife, R. E. Swain then conveyed to J. B. Queen by a deed dated September 2, 1905 a tract of twenty-five acres, apparently a portion of the lands included in the last foregoing deeds. This twenty-five acre tract, however, includes Tract 164 now owned by J. B. Queen. P. 948

GRANT 967

6. The record title of J. B. Queen under the foregoing line of conveyances would not be sufficient to vest title in him because of the superiority of Grant No. 967 to E. B. Olmstead.

The title of the lands covered by Grant 967 became vested in the heirs at law of R. Y. McAden. This title is fully set out in the Abstract of Tract 159, pages 768.

In 1905 and while Tract 165 was claimed under the foregoing deeds by Adolphus Swain, an action was brought by the heirs at law of said McAden against said Swain and others to determine the title under Grant 967. This cause came on for hearing at the July-August Term 1905 and a decree was rendered in said cause adjudging said Swain to be the owner of a tract of land containing twenty-eight acres. This tract is described in the decree by metes and bounds as set out in the deed from A. S. Swain and wife, to J. B. Queen. The effect of this decree was to vest in said Swain the title under Grant 967. This decree is recorded in Minute Docket Book 6 at page 551 of the records of Swain County. Page 987 of Abstract.

NORTH CAROLINA PARK COMMISSION

ABSTRACT OF DEED OR GRANT

Grantors

In Preamble	As Signed	As Acknowledged
North Carolina		
W.P. Hyde		

Grant No. 121

1. Kind of Conveyance.....
 2. Date of Conveyance.....
 3. Is it properly executed.....
 4. Date of Entry and No.....
 5. Before what Officer acknowledged.....
 6. Acknowledgments, regular.....
 7. If irregular, copy in full on back.....
 8. Did all grantors acknowledge.....
 9. Date of acknowledgment.....
 10. Was privy examination of wife taken.....
 11. Was order of probate correct.....
 12. Did officer affix Seal.....
 13. Does conveyance contain covenants—
 (a) of seizin.....
 (b) power to convey.....
 (c) against encumbrances.....
 (d) against claims of all others.....
 14. Date of filing for record.....
 15. Book **Swain** Page
 for
 16. Does deed contain any special limitations, provisions
 or restrictions.....
 17. Habendum clause (Quote fully)

10-15-80

415

County.

Exact Description of Property

ON WELCH'S CREEK.

BEGINNING at a white oak N. 60 E. 40 poles to a stake;
 N. 30 poles to a stake at the corner of No. 87; East
 140 poles with Wm. H. Thomas line to No. 88; North 80
 poles to the corner of 88; East 60 poles to a stake
 in E. D. Shuler's line; N. 20 W. 140 poles to a stake in
 Love's line; S. 60 W. 275 poles to a stake in
 Millsaps line; S. 22 E. 135 poles with Millsaps line to
 the BEGINNING.

Two hundred seventy-three acres.

NORTH CAROLINA PARK COMMISSION

ABSTRACT OF DEED OR GRANT

Grantors
Grantees

In Preamble	As Signed	As Acknowledged
W. P. Hyde and wife, S.E. Hyde	W. P. Hyde S.E. Hyde	W. P. Hyde S.E. Hyde
J.D. Wiggins		

1. Kind of Conveyance Warranty Deed 4-8-85
 2. Date of Conveyance 4-8-85
 3. Is it properly executed Yes
 4. Date of Entry and No.
 5. Before what Officer acknowledged J.P.
 6. Acknowledgments, regular Yes
 7. If irregular, copy in full on back Yes
 8. Did all grantors acknowledge Yes
 9. Date of acknowledgment 4-9-85
 10. Was privy examination of wife taken Yes
 11. Did officer affix Seal Yes
 12. Was order of probate correct Yes
 13. Does conveyance contain covenants—
 (a) of seizin Yes
 (b) power to convey Yes
 (c) against encumbrances Yes
 (d) against claims of all others Yes
 14. Date of filing for record 4-10-85
 15. Book 8 Page 135
 for Swain County.
 16. Does deed contain any special limitations, provisions
 or restrictions
 17. Habendum clause (Quote fully) To have and to hold to the said J. D. Wiggins
 and all privileges and appurtenances thereto belonging to the said
 J. D. Wiggins, his heirs and assigns forever.

Exact Description of Property

"BEGINNING on the N. E. corner of the tract
 of land that John Rogers now lives on North 124 poles
 to Hill Cathey's corner; East 80 poles to a stake;
 South 164 poles with the line of No. 87, the west fork
 of Galbreath Creek, then with the branch as it meanders
 to John Rogers line, then North with Rogers line 40
 poles to the BEGINNING.

Ninety acres."

NORTH CAROLINA PARK COMMISSION

ABSTRACT OF DEED OR GRANT

Grantors

In Preamble	As Signed	As Acknowledged
J. D. Wiggins and wife S. J. Wiggins	J. D. Wiggins S. J. Wiggins	J. D. Wiggins S. J. Wiggins
W. A. Honeycutt		

1. Kind of Conveyance	<u>Warranty Deed</u>	9-9-91
3. Is it properly executed	<u>Yes</u>	
5. Before what Officer acknowledged	<u>J. P.</u>	<u>Yes</u>
7. If irregular, copy in full on back		
9. Date of acknowledgment	<u>9-19-91</u>	
11. Did officer affix Seal		
13. Does conveyance contain covenants		
(a) of seizin	<u>Yes</u>	
(b) power to convey	<u>Yes</u>	<u>Yes</u>
(c) against encumbrances	<u>Yes</u>	
(d) against claims of all others	<u>Yes</u>	
17. Habendum clause (Quote fully)	To have and to hold the aforesaid tract of land and all privileges and appurtenances thereto belonging to the said W. A. Honeycutt, his heirs and assigns.	

Exact Description of Property

ON THE WATERS OF GALEBREATH CREEK? ADJOINING A. J. CLINE

BEGINNING on the N. E. corner of the tract of land that John Rogers lives on, ;thence North 124 poles with Wm. Morris line to his corner East 80 poles to a stake; South to the line of Tract No. 87; West to the corner of No. 87; South with line of 87 to the bank of the west fork of Galbreath Creek; then with the meanders of the branch a west direction to the head of the branch to a stake; thence East to Rogers line; then North with Rogers line 40 poles to the BEGINNING.

Ninety acres.

NORTH CAROLINA PARK COMMISSION

ABSTRACT OF DEED OR GRANT

In Preamble	As Signed	As Acknowledged
Grantors W.A. Honeycutt	W.A. Honeycutt	Proven by oath of J. J. Worley, subscribing witness before C.S.C.
Grantees A. S. Swain		

Warranty Deed

- Kind of Conveyance..... Yes
- Is it properly executed..... Yes
- Before what Officer acknowledged.....
- If irregular, copy in full on back..... 8-6-04
- Date of acknowledgment.....
- Did officer affix Seal.....
- Does conveyance contain covenants—
 - (a) of seizin Yes
 - (b) power to convey Yes
 - (c) against encumbrances Yes
 - (d) against claims of all others Yes

17. Habendum clause (Quote fully). To have and to hold the aforesaid tract or parcel of land, and all privileges and appurtenances thereto belonging to the said A. S. Swain, his heirs and assigns to their only use and behoof forever.

Exact Description of Property

ON THE WATERS OF GALBREATH CREEK, ADJOINING A. J. CLINE
NINETY ACRES.

BEGINNING on the N. E. corner of the tract of land that John Rogers lives on, thence North 124 poles with Wm. Morris line to his corner; East 80 poles to a stake; South to the line of Tract No. 87; West to the corner of No. 87; South with line of 87 to the bank of the west fork of Galbreath Creek, then with the meanders of the branch a west direction to the head of the branch to a stake; thence East to Rogers line; then North with Rogers line 40 poles to the BEGINNING.

- Date of Conveyance..... 4-19-93
- Date of Entry and No.....
- Acknowledgments, regular..... No
- Did all grantors acknowledge..... No
- Was privy examination of wife taken..... No
- Was order of probate correct..... Yes
- Date of filing for record..... 7-27-05
- Book 23 Page 79
for Swain County.
- Does deed contain any special limitations, provisions or restrictions

NORTH CAROLINA PARK COMMISSION

ABSTRACT OF DEED OR GRANT

Grantors
Grantees

In Preamble

As Signed

As Acknowledged

A. S. Swain and wife	A. S. Swain	A. S. Swain
R. E. Swain	R. E. Swain	R. E. Swain
J. B. Queen		

Warranty Deed

- Kind of Conveyance.....
- Is it properly executed.....
- Before what Officer acknowledged.....
- It irregular, copy in full on back.....
- Date of acknowledgment.....
- Did officer affix Seal.....
- Does conveyance contain covenants—
(a) of seizin.....
(b) power to convey.....
(c) against encumbrances.....
(d) against claims of all others.....
- Habendum clause (Quote fully).....

9-2-05

Yes

C.S.C.

9-2-05

Yes

Yes

Yes

Yes

To have and to hold the aforesaid tract or parcel of land and all privileges and appurtenances thereto belonging to the said J. B. Queen, his heirs and assigns to their only use and behoof forever.

- Date of Conveyance.....
- Date of Entry and No.....
- Acknowledgments, regular.....
- Did all grantors acknowledge.....
- Was privy examination of wife taken.....
- Was order of probate correct.....
- Date of filing for record.....
- Book.....
for.....
- Does deed contain any special limitations, provisions or restrictions.....

9-2-05

Yes

Yes

Yes

Yes

10-6-05

28

Swain

118

County.

Exact Description of Property

"BEGINNING at a stone in the McAden S.E. boundary line and in Swain's line west boundary on north side of ridge, in the old Morris tract, and runs with the lines of the two last named; North 2 E. 90 poles to a C. O. on a ridge, corner of said tract; thence with said Swain's line N. 48 E. 64 poles 8 links to a stone in A. J. Cline's line; thence S. 2 $\frac{1}{2}$ W. with Cline's line 45 poles more or less to a stake on top of the mountain, the conditional corner between J. B. Queen and A. S. Swain; thence with the meanders of the mountain to a stake in the S. E. line of the McAden survey, then with the said line South to the BEGINNING."

TWENEYT FIVE ACRES."

NORTH CAROLINA }
SWAIN COUNTY }

Blanche Worley, first being duly sworn deposes and says that she is a daughter of J. B. Queen late of Swain County, North Carolina, that J. B. Queen is now dead having been dead about 11 or 12 years, he left surviving him the following named persons as his heirs at law and who are capable of inheriting his real estate, to-wit:

Amanda Queen (widow)

Vinie Queen 13 years old,

This deponent,

Blanche Worley and husband Robert Worley

deponent sayeth not.

Blanche Worley
AFFIANT.

North Carolina, Swain County

Sworn and subscribed before me on this the 28th day of October

1929,

Willie Wiggins
NOTARY PUBLIC

My commission expires
Dec. 19, 1930.



18 years

Fasting Queen at Mrs. W. J. Stiles
Pearl Lummiott & Mrs. Van Lummiott
Irene

Blanch Wesley & Mrs.
Marguerite N. C.

John Lummi & wife
Cantave Ahia

W. E. Lummi & son of
J. B. Lummi.

Minnie Lummi 13 years.

John Queen

1428 Scotland Avenue

Canton, Ohio