

NORTH CAROLINA PARK COMMISSION

ASHEVILLE, N. C.

REPORT ON THE JAMES T. KEENER TRACT - NO. _____.Location:

This tract is located on the waters of Coopers Creek adjoining the lands of the Champion Fibre Company. There is no number or map of this tract, it having been omitted from the survey, but it is so located that it rounds out the lower line of the Park boundary on Coopers Creek. Coopers Creek runs into the Tuckaseegee River at Ela, N. C.

Description:

This tract has been used for a home place by the owner and there is a good small orchard. Otherwise, the farm is not very well cultivated.

Improvements:

The house is six room, frame building, ceiled and weath-boarded, unpainted, and in rather poor repair, although it could be put in good shape without much expense. The other buildings are poor. This tract contains 30 acres two-thirds of which is in woodland.

Valuation:

The values are analyzed as follows:

6 room dwelling house	\$400.00
Other buildings	50.00
34 apple trees	34.00
4 acres cultivated land @ \$20.00	80.00
5 acres abandoned fields & pasture @10.00	50.00
21 acres woodland @ \$10.00	<u>210.00</u>
TOTAL	\$824.00

The price agreed upon for this land is \$800.00. Its tax valuation is \$700.00. At the price agreed on, it would be a satisfactory purchase.

Analysis of Title

Tract No. 168

1. Tract No. 168 is embraced by State Grant No. 587 issued by the State 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. The next instrument that we have been able to find that effects the locus in quo is a deed from W. L. Hilliard, S. L. Love, Executors of J. R. Love and R. V. Welch by E. Everett, Agent, to Samantha Wiggins. The power of attorney authorizing E. Everett to make this conveyance may be seen by reference to page 135 of this Abstract. However, there would still be a one-third undivided interest in this tract outstanding in the heirs at law of Robert G.A. Love, as he purchased about the year 1871 all the interest of W. W. Battle in Grant No. 587. In this conveyance 2/3 of the mineral interest is excepted. See page 130 of this Abstract.

3. On July 20, 1882, Samantha Wiggins and husband J. J. Wiggins conveyed this tract of land to W.P. Hyde. This deed also excepts two-thirds of the minerals in the lands therein described. This deed is of record in Swain County. See page 136 of this Abstract.

4. On July 20, 1882, W. P. Hyde and wife, S. E. Hyde, conveyed the same tract to John J. Wiggins. This deed is of record in Swain County. See page 137 of this Abstract.

5. On February 10, 1885, John J. Wiggins and wife, S. L. Wiggins, conveyed to Thomas A. Wiggins a tract of land containing seventy-five acres, more or less, which is the same tract of land mentioned in the preceding paragraph of this analysis. This deed also excepts two-thirds of the mineral interests. This deed is of record in Swain County. See page 138 of this Abstract.

6. Thereafter, Thomas A. Wiggins died intestate leaving surviving him the heirs at law set out in an affidavit on page 139 of this Abstract.

The following conveyances are from the heirs at law of Thomas A. Wiggins conveying their interests in the Thomas A. Wiggins home tract, which tract embraces the locus in quo.

(a) On August 15, 1898, J. D. Wiggins and wife, S.J. Wiggins, Andy Wiggins and wife, S. E. Wiggins, J. W. Thompson and wife, S. L. Thompson, T. D. Watson and wife, M. E. Watson, conveyed to J. T. Keener a tract of land containing seventy-five acres, more or less, which is the tract known as the T. A. Wiggins home place. This deed is of record in Swain County. See page 140 of this Abstract.

(b) On March 9, 1901, M. A. Wiggins and wife, Mary Wiggins, conveyed to S. L. Thompson a one-seventh undivided interest in the tract of land known as the T. A. Wiggins place. This deed is of record in Swain County. See page 141 of this Abstract.

(c) On October 1, 1906, S. L. Thompson and husband conveyed to James Keener a one-seventh undivided interest in the Thomas Wiggins lands. This deed is of record in Swain County. See page 142 of this Abstract.

7. By referring to the affidavits of the heirs of Thomas W. Wiggins page 137 of this Abstract, it will be found that Julia R. Wiggins married J. T. Keener, and thereafter died leaving surviving her as heirs at law Elbert Keener and Jack Keener; as she never conveyed her interest in the Thomas A. Wiggins home tract, this leaves a one-seventh undivided interest outstanding which is owned by Jack Keener and Elbert Keener.

8. After the death of Julia R. Keener, J. T. Keener married Joannah H. Wiggins, who later died and left surviving her the following heirs at law:

1 Thomas Keener	5 Mary Keener
2 Emma Keener	6 Sallie Keener
3 Nancy Keener	7 Susan Keener
4 Pendleton Keener	8 John Keener

The last five being minors, and as Joannah H. Keener never signed away her interest in the Thomas A. Wiggins place, this leaves a one-seventh undivided interest outstanding in her heirs at law as above named.

9. On October 10, 1906, James Keener and wife, J. H. Keener executed to J. D. Wiggins a Deed of Trust given to secure the sum of \$40.00 on a one-seventh undivided interest on Thomas A. Wiggins place. This Deed of Trust has never been cancelled of record. However, we are of the opinion that since more than fifteen years have elapsed since maturity date, the said Deed of Trust would be barred by the statute of limitations.

10. On October 16, 1923, J. T. Keener executed to W. M. Taylor, Trustee, a Deed of Trust embracing tract No. 168 given to secure the sum of \$81.50. This deed of trust has never been cancelled of record. See page 144 of this Abstract.

11. On the 5th day of November, 1929, J. T. Keener was appointed Guardian for Emma Keener, Sallie Keener, Nancy Keener, Susan Keener, Pendleton Keener and John Keener, minor children of J. T. Keener and Joanna Keener, Joanna, now deceased, by J. T. Gribble, Clerk of the Superior Court of Jackson County. A transcript of which is registered in Swain County, see pages 142-a, 142-b and 142-c of this abstract.

APPLICATION FOR GUARDIANSHIP

NORTH CAROLINA)
JACKSON COUNTY)

IN THE SUPERIOR COURT - BEFORE THE CLERK

IN THE MATTER OF
EMMA KEENER, SALLIE KEENER,
NANCY KEENER, SUSAN KEENER,
PENDLETON KEENER AND JOHN
KEENER, MINOR ORPHANS

APPLICATION FOR GUARDIANSHIP

TO THE CLERK OF THE SUPERIOR COURT OF SAID COUNTY:

The application of J. T. Keener respectfully represents that Emma Keener, Sallie Keener, Nancy Keener, Susan Keener, Pendleton Keener and John Keener are minor children of J. T. Keener and Joanna Keener (Joanna Keener) now deceased, and are without Guardian; that the said minor children are entitled to real and personal property to the amount of \$96.00, according to the best information and belief of your applicant.

To the end, therefore, that the estate of the said minor orphans may be preserved and managed according to law, your applicant prays that Letters of Guardianship may be issued to him, or such other person as the Court may think best, for the interest of said minor orphans.

This the 5th day of November, 1929.

(Sgd) J. T. Keener

J. T. Keener, being duly sworn, says that he is acquainted with the real and personal estate belonging to the above named children of Joanna Keener, deceased; that, to the best of his knowledge, information and belief, the value of said estate is \$96.00, and the value of the rents and profits of the real estate is about nothing.

(Sgd) J. T. Keener

Sworn to before me, this 5th day of November, 1929.

(Sgd) J. T. Gribble,
Clerk Superior Court

ORDER OF APPOINTMENT

Upon hearing the foregoing application of J. T. Keener, it is ordered and adjudged by the Court that J. T. Keener be appointed Guardian of Emma Keener, Sallie Keener, Nancy Keener, Susan Keener, Pendleton Keener and John Keener, minor orphans of Joanna Keener upon his entering into bond in the sum of Two hundred Dollars, with two or more sufficient sureties.

(Sgd) J. T. Gribble,
Clerk Superior Court.

LETTERS OF GUARDIANSHIP

STATE OF NORTH CAROLINA)
JACKSON COUNTY)

IN THE SUPERIOR COURT - BEFORE THE CLERK

TO ALL TO WHOM THESE PRESENTS SHALL COME--GREETINGS:

It being certified to the Undersigned, Clerk of the Superior Court for the County of Jackson, that Emma Keener, Sallie Keener, Nancy Keener, Susan Keener, Penileton Keener and John Keener are minor orphans, without Guardian, and J. T. Keener having applied for Guardianship of said minor children, having been duly qualified as such:

Now, These are Therefore, to Authorize and Empower the said Guardian to enter in and upon all and singular the goods and chattels, rights and credits of said minor orphans, wherever to be found, and the same to take into possession, secure and improve, and further to manage said estate and every part thereof for the benefit and advantage of said minor orphans and according to law.

Witness my hand and the seal of the Court, this 5th day of November, 1929.

(Sgd) J. T. Gribble,
Clerk Superior Court

(Official Seal)

GUARDIAN OATH

STATE OF NORTH CAROLINA)
JACKSON COUNTY)

ss--IN THE SUPERIOR COURT

I, J. T. Keener, do solemnly swear that as Guardian I will well and truly administer all and singular the goods and chattels, rights and credits of the said Emma Keener, Sallie Keener, Susan Keener, Nancy Keener, Penileton Keener and John Keener, my wards, wheresoever to be found, and secure and improve, and further to manage said estate and every part thereof for the benefit and advantage of said minor orphans, and according to law. So help me, God.

(Sgd) J. T. Keener

Sworn to and subscribed before me, this 5th day of November, 1929.

(Sgd) J. T. Gribble,
Clerk Superior Court

GUARDIAN BOND

STATE OF NORTH CAROLINA)
JACKSON COUNTY)

Know all men by these presents, that we, J. T. Keener, Principal, H. E. Battle and Will W. Wiggins, all of said county, in the State afore-

said, are held and firmly bound unto the State of North Carolina in the sum of Two Hundred Dollars, current money, to be paid to the State of North Carolina in trust for the benefit of the children hereinafter named, committed to the tuition of the said J. T. Keener to which payment well and truly to be made we bind ourselves, and each of us each and every of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with out seals, and dated this 5th day of November, 1929.

The Condition of the above Obligation is such, that whereas, the above bounden J. T. Keener is constituted and appointed Guardian to Emma Keener, Sallie Keener, Nancy Keener, Susan Keener, Pendleton and John Keener, minor orphans.

Now, if the said J. T. Keener shall faithfully execute his said Guardianship, and particularly shall well and truly secure and improve all the estate of the said Emma Keener, Sallie Keener, Nancy Keener, Susan Keener, Pendleton Keener and John Keener until they shall arrive at full age, or be sooner thereto required, and render a plain and true account of his said Guardianship, on oath, before the Clerk of the Superior Court of Jackson County, and obey the law in all cases as required by an Act of Assembly, and deliver up, pay or possess the said Emma Keener, Sallie Keener, Nancy Keener, Susan Keener, Pendleton Keener and John Keener of all such estates as they ought to be possessed of, when lawfully required by said Emma Keener, et als., or to such other persons as shall be lawfully empowered or authorized to receive the same, and the profits arising therefrom, then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and delivered in the presence of)	(Sgd) J. T. Keener	(Seal)
J. T. Gribble,)	(Sgd) H. E. Battle	(Seal)
Clerk Superior Court)	(Sgd) Will W. Wiggins	(Seal)

NORTH CAROLINA) IN THE SUPERIOR COURT-BEFORE THE CLERK
JACKSON COUNTY) THIS 5th DAY OF Nov. 1929.

Personally appeared before, J. T. Gribble, Clerk of the Superior Court for Jackson County, H. E. Battle and Will W. Wiggins to me personally known, who signed the annexed bond, and who, after being duly sworn by me, each for himself says that he is worth Two Hundred Dollars each, over and above homestead and personal property exemption allowed by law, and liabilities. So helps, God.

Sworn and subscribed before me, this (Sgd) H. E. Battle (Seal)
5th day of November, 1929. (Sgd) Will W. Wiggins (Seal)
J. T. Gribble, Clerk Superior Court.

NORTH CAROLINA
JACKSON COUNTY

I, J. T. Gribble, Clerk of the Superior Court for the aforesaid County and State, do hereby certify that the foregoing is a true and correct copy of the record of the Appointment of J. T. Keener as Guardian of Emma Keener, et als., as will appear from the records in my office in Record of Administrators, Executors and Guardians "2", Jackson County, on page 317, to which reference is hereby made.

Witness my hand and seal of the court in office at Sylva, N.C. on this the 8th day of November, 1929.

(Sgd) J. T. Gribble,
C.S.C. Jackson Co. N.C.

NORTH CAROLINA PARK COMMISSION

ATTORNEY'S CERTIFICATE AND OPINION

Tract No. 168.

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.....:

James T. Keemer

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 for the year 1928.
2. Two-thirds of the mineral interest outstanding in the heirs at law of J. R. Love and R. V. Welch.
3. One-third undivided interest in Tract No. 168 outstanding in the heirs at law of R.C.A. Love.
4. One-seventh undivided interest in Tract No. 168 outstanding in the heirs at law of Julia R. Keemer.
5. One-seventh undivided interest in Tract No. 168 outstanding in the heirs at law of Joanniah H. Keemer.
6. A Deed of Trust in the sum of \$51.50 and dated October 16, 1923, and recorded in Deed of Trust Book 14, page 149.

Bryson City, N.C.

December 3, 1928.

Mr. Jim Keener,
Route 1,
Whittier, N.C.

Dear Sir:

Since talking with you today, I have looked over the plat and card, so as to refresh my memory in regard to your place on Cooper's Creek and I am frank to tell you that in my judgment your price of \$1000.00 is considerably too much.

If you find it convenient to come to Bryson City any time *during* the week, I will be glad to see you and perhaps we can trade and get you your money for Christmas. Please remember that I told you that I would be out looking at lands during the day and if you come, come early or late when you will find me at the Freeman House.

Yours truly,

Frank (*nothing*)

W:D

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

A-Purchase
Keener, J. T.
#168

March 5, 1929.

Mr. J. T. Keener,
Ela, N. C.

Dear Sir:

We are enclosing herewith check for \$1.00, which is in consideration of option signed by you on December 17, 1928. This \$1.00 merely acknowledges that you have given an option on your tract.

We should have mailed you this check some time ago, but somehow it was overlooked.

Yours very truly,

NORTH CAROLINA PARK COMMISSION

By

Route #1

Name of Owner Jim Keener Address Whitten h.c.

County Swain Map No. _____ Total Acreage Claimed 30.

Soil: Quality _____ A. Good 5 standard field

_____ A. Fair 4 A. Cultivated balance A. In brush

_____ A. Poor _____ Good _____

Timber: Kinds only wood left _____ Fair _____

_____ Poor _____

Orchard: Acres, Kinds of Trees 34 Condition poor

all Bearing Trees _____ Young Trees _____

Springs: Location with reference to and distance from imp. _____

Streams: Name of Creeks Croft Is Farm well Watered? ☒

Roads: Kind fair Distance from Improvements in front

Fencing: Kind none Condition: Good _____, Fair _____, Bad _____

Residence: Kind same Size _____ No. of Rooms 6

Condition: Good _____, Fair _____, Poor ☒

Other Buildings: No. 2 Kinds crib & barn

Condition: Good _____, Fair _____, Poor ☒

My Valuation \$ 800.00 Owners Price \$ 100.00

Sign Here J. Keener

Poor place, brother living in
house - chimney in centre of house.

House - weatherboarded - 400,
other building 50,

Trees. 34,

4. A. cultivated - 2000 80.

5. A. abandoned fields - 1000 50.

21. Road, 1000 210.

~~8~~ 2400

Total 70000