

NORTH CAROLINA PARK COMMISSION

ASHEVILLE N.C.

REPORT ON THE J. D. WOODY TRACT NO. 174 - 230.77 ACRES.

Location: This tract is located on Woody Branch, a tributary of Forneys Creek. Woody Branch flows into Forney Creek about one mile above its mouth.

Description: This a large tract of land mostly woodland or which a large part of it has been cut over many years ago, there being a good stand of young timber and the ground being well covered. The cultivated land is productive.

Improvements: There is a new six room box house and other out buildings all in good repair, also good fencing around about twenty-five acres of land.

Valuation: The valuation is arrived at as below:

| | |
|----------------------------------|-----------|
| Six room box house | \$700.00 |
| 25 acres of flat land at \$30.00 | 750.00 |
| 206 acres wood land | 2050.00 |
| Total | \$3500.00 |

This being the price fixed by the appraisers, they recommend the purchase.

North Carolina)
)
Swain County.)

W. T. Woody, being duly sworn, deposes and says that he is the oldest son of John A. Woody, deceased, late of said County and State; that the following named persons are all and the only heirs at law of John A. Woody, deceased:

1. W. T. Woody (Wife, M. V. Woody)
2. ✓ W. I. Woody (Wife dead)
3. J. L. Woody (now deceased, leaving the following heirs:

(a) Delia Woody (widow)
(b) Charles Woody
(c) Lawrence Woody
(d) Anna Rhea (wife of Ed Rhea)
(e) Pallie Tatham (wife of Bert Tatham)
(f) Emeline Cole (wife of John S. Cole)

4. ✓ C. B. Woody (wife, Emma Woody)
5. ✓ A. P. Woody (Now deceased, leaving the following heirs:

(a) Ellen Woody, his wife and 4 children, names unknown to affiant, one of which married John DeLozier.

6. ✓ M. A. Duvall, (wife of Bert Duvall, now dead, leaving her said husband surviving and also several children whose names are unknown to affiant.)

7. ✓ Jennie Jones (wife of R. L. Jones)

8. ✓ John Woody (wife, Victoria Woody)

9. ✓ Mary Lester (wife of John Lester)

And further affiant sayeth not.

W. T. Woody
mark

Sworn to and subscribed before me this the 5th day of October, 1928.

Will H. Hayes
Notary Public

RECEIPT FOR 1928 TAXES

FORNEYS CREEK TOWNSHIP, SWAIN COUNTY, N. C.

No. 356

10-29, 1929

RECEIVED of Woody W. J.
taxes for the year 1928, as follows:

County, School and Road Taxes - - - - - \$ 47.26

Poll - - - - -

Special School Tax - - - - - 3.37

Dog Tax - - - - -

Total - - - - - \$ 50.63

Valuation for Tax - - - - - \$

Less %

Add % 31.36

Total - - - - - \$ 81.99

SEE OTHER SIDE FOR RATES.

J. R. Patience, Sheriff.

Per , D. S.

Rates for Taxation per \$100 of Valuation Year 1928

COUNTY TAXES

ROADS

| | | | | | | | |
|--------------------------------|---|---|---|---|---|---|--------|
| County Road Bonds | - | - | - | - | - | - | \$.23 |
| Forneys Creek Road Bonds | - | - | - | - | - | - | .40 |
| Forneys Creek Road Maintenance | - | - | - | - | - | - | .15 |
| Special County Fund | - | - | - | - | - | - | .08 |
| Poll Tax | - | - | - | - | - | - | 2.00 |
| Dog Tax, Males | - | - | - | - | - | - | 1.00 |
| Dog Tax, Females | - | - | - | - | - | - | 2.00 |

A. Purchase
Woody, W. T. or
#174

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

March 23, 1929.

Mr. J. D. Woody,
Webster, N. C.

Dear Sir:

In reference to your tract on Woody Branch, containing approximately 231 acres:

We would like to have you make us a price on this property, as we want to close out the balance of our purchases on Forney Creek, having purchased all the other tracts on this creek.

The writer remembers meeting you last Summer, and the impression received at that time was that you would be willing to negotiate a trade with us on a reasonable basis.

We might add that we have the money in hand to pay for same, and as soon as the title is passed, the money will be paid. However, it is our rule to take a 90 day option, so as to give time for the title attorney to look into the matter, but always with the understanding that as soon as the title is passed, it is not necessary to wait the full term covered by the option.

We might also add that should the transaction be settled before May 1st, you would be relieved of taxes, and at the same time you can have the free occupation of the property for this year's crop, and unless it is turned over to the State or Government for Park purposes, there is a strong probability of having the free use of it next year.

Kindly let us hear from you promptly.

Yours truly,

NORTH CAROLINA PARK COMMISSION

WAW:S

By

THIS AGREEMENT, made this 24th day of

May

A.D. 1929,

J. B. Woody and wife, Lizzie Woody
W.T. Woody and wife, M. V. Woody

of Swain

County, North Carolina, hereinafter called the VENDOR, whether one or more, and THE STATE OF NORTH CAROLINA, hereinafter called the VENDEE:

WITNESETH:

That whereas Vendor is the owner of certain lands within the area designated by the Secretary of the Interior of the United States of America for a national park to be known as the Great Smoky Mountains National Park, under the provisions of the Act of Congress, 44 Statutes at Large 616, which lands are also embraced within the boundary mentioned in Chapter 48 of the Public Laws of North Carolina, Session of 1927:

And whereas the Vendee is desirous of acquiring title to said premises for inclusion in said Great Smoky Mountain National Park;

NOW, THEREFORE, the Vendor for and in consideration of the sum of ONE DOLLAR to him in hand paid, receipt of which is hereby acknowledged, and other valuable considerations moving him thereto, agrees to sell and convey in fee simple to the Vendee at the option and upon the demand of said Vendee, its successors and assigns, at any time within Three months from the date of these presents, all those certain lands situate in Forneys Creek Township,

County and State aforesaid, containing 230.77 acres, more or less, adjoining the lands of and others, bounded and described as follows:

Tract No. 174

BEGINNING at corner 1, which is corner 51 of the Norwood Lumber Co. Tract (172), a point with witnesses, Set a post scribed W.1 an 18" curly maple, blazed and scribed B. T. W. 1, bears South .12 chain distant; thence, with lines of the Norwood Lumber Company Tract (172), South 80-46 East 14.24 chains to corner 2, a point with witnesses, Set a post scribed W-2, a 12" pine, blazed and scribed B. T. W-2, bears South .08 chain distant, South 3-52 West 26.27 chains to corner 3, a locust stump with witnesses, Set a post scribed W-3, a 14" white oak, blazed and scribed B.T. W-3, bears South 35-00 West .20 chain distant South 3-24 West 26.29 chains to Corner 4, a point with witnesses Set a post scribed W-4, a 24" spanish oak blazed and scribed B.T. W-4, bears South 65-00 West .10 chain distant; thence North 88-40 West 13.47 chains to Corner 5, a 6" white oak with witnesses, 2.50 chains east of Woody Branch, blazed and scribed W-5; thence South 4-35 14.49 chains to corner 6, a chestnut oak stump with witnesses, blazed and scribed W.C. - an 8" maple, blazed and scribed B.T.W.C. bears North 35-00 West .12 chain distant; thence North 61-38 West 2.65 Woody Branch flows South, 7.62 chains to corner 7, a black oak stump with witnesses on east slope, Set a post scribed W-7 - A 12" hickory blazed and scribed B.T.W.-7 bears West .10 chain distant; thence North 3-21 East 10.78 chains to corner 8, a 5" black oak with corner marks and witnesses on a ridge; thence North 85-36 West 3.85 chains to corner 9 - Set a post scribed W-9, a 10" spanish oak blazed and scribed B.T.-W-9 bears North 45-00 East .15 chain distant; thence North 2-46 East 20.94 chains to corner 10, a 5" black gum blazed and scribed W-10 - A 4" persimmon blazed and scribed B.T. W-10 bears North 10-00 West .15 chain distant; thence North 56-18 West 7.15 Corner 11, which is corner 1 of the Forney Creek Cemetery Tract (178), a point in the Norwood Lumber Company line; thence with lines of the Forney Creek Cemetery Tract (178), North 42-52 East 4.09 chains to corner 12, a point shown as corner of cemetery by S. W. Monteith; thence North 62-00 West 1.38 chains to corner 13, a 6" black gum with witnesses, a corner of the cemetery; thence South 51-17 West 4.09 chains to corner 14, a point in the Norwood Lumber Company line - A 22" black oak, marked as corner, bears North 51-17 East .28 chain distant; then with lines of the Norwood Lumber Company Tract (172), North

56-18 West 7.86 chains to Corner 15, a point with witnesses on top of Forney Creek, Woody Branch divide - Set a post scribed W-11 A 10" pine blazed and scribed B.T.W-11 bears North 46-00 East .10 chain distant; thence North 2-17 East 25.23 chains to corner 16, a point with witnesses 1.00 chain east of ridge top, Set a post scribed W-12 - A 5" black oak blazed and scribed B.T. W-12 bears South 25-00 West .15 chain distant; thence South 87-06 East 5.45 chains to corner 17, the Southwest corner of Grant No. 81 - Set a post scribed W-13; thence North 3-32 East 13.35 chains pass corner common to Coffey and Norwood Lumber Company, 18.55 chains to Corner 18, which is corner 33 of the R. G. Coffey Tract (173), a point where a painted line crosses ridge top, Set a post scribed N.S.W.; thence up the ridge with its meanders, North 43-30 East 2.29 chains; North 70-08 East 2.02 chains; North 73-24 East 11.39 chains; North 50-19 East 4.73 chains; North 52-46 East 2.42 chains to corner 19, a small spanish oak blazed and scribed B.T.-S, bears North 60-00 West .20 chain distant; thence South 2-56 West with a line of the R. G. Coffey tract (173) 27.55 chains Woody Branch flows Southwest 29.68 chains to place of beginning, containing 230.77 acres.

Also all other pieces, parcels or tracts of land or interests in land that lies within the area designated by the Secretary of the Interior as the "Great Smoky Mountain Park".

It is distinctly understood that the sum of \$3500.00 is to be the total purchase price for 230.77 acres, and should the said parties of the first part be unable to make title to any portion of the above described tract, then and in that event, any shortage in acreage shall be deducted from the price above set forth and that only the number of acres that the parties of the first part are able to make good title to are to be paid for.

Can. 3350

W. J. Waudy
M. J. Waudy

SIGNED, SEALED AND DELIVERED
in the presence of

W.W. Jenkins

}
W. T. J. Woody (Seal)
J. B. Woody (Seal)
Lizzie Woody (Seal)
P. J. Wentz Woody (Seal)

NORTH CAROLINA PARK COMMISSION

COMMISSION ON THE PART OF NORTH CAROLINA FOR THE PURPOSE OF
PRESENTING THE CLAIMS OF NORTH CAROLINA FOR A NATIONAL PARK

EUGENE C. BROOKS, RALEIGH
D. M. BUCK, RALEIGH MOUNTAIN
JOHN C. DAWSON, RALEIGH
PLATO EBBES, ASHEVILLE
R. T. FOUNTAIN, ROCKY MOUNT

MARK SQUIRES, CHAIRMAN, LENOIR
EUGENE C. BROOKS, SECRETARY, RALEIGH

J. A. HARDISON, WAKEFIELD
FRANK LINNEY, ROANOKE
J. ELMER LONG, DURHAM
HARRY NETTLES, BOLINORE
E. S. PARKER, JR., GREENSBORO
MARK SQUIRES, LENOIR

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

May 27, 1929.

Mr. L. N. Woody,
Forney, N. C.

Dear Sir:

In regard to the orchards on Forney Creek, the North Carolina Park Commission are willing to leave them in your charge this year, on the distinct understanding that you will take care of them in a proper manner and under directions given you from time to time by Mr. Walt Jenkins, or some other employee of the Commission; and, for your services, you are to receive one-half of the fruit on the trees.

It is distinctly understood that, as the fruit ripens, the Commission is to be notified, and it is not to be gathered until our representative is present, and a division of the fruit is to be made - one-half to you and one-half to the COMMISSION - as it is gathered. You are to assist in the gathering; the division of the fruit to be a fair proportion of good and bad, as it stands on the trees.

If you consent to this proposition, you will sign the acceptance on the bottom of this sheet.

Yours very truly,

NORTH CAROLINA PARK COMMISSION

By

*Gene Shadres
See Day*

WHW:S

I accept the above.

W. W. Moody

sept 13th 89
Bryson City N.C.

Mr W.H.Woodberry,
% N.C.Park Commission
Asheville N.C.

DEar Sir, In regard to the John Weedy Place on Ferneys Creek
I have investigated the Cutting of the Young Popular Timber and it
is All striped Off. I am tild he shiped Over One Thousand Dollars
worth. I wanted you to Knew Before Setling up with him,

I have Aranged to Begin Geathering the Apples By the Middle
of next week,

The apples is fine Think they Will Be about Eight Hundred Bush-

Yours Verry Truley,

W.W.Jenkins

NORTH CAROLINA PARK COMMISSION

ATTORNEY'S CERTIFICATE AND OPINION

Tract No. 174

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.....

W. T. Woody----230.77 acres.

3350⁰⁰

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. Subject to taxes.

2. Subject to one-half the mineral interest in Grants 81, 83 and the sixty-two acre Joel Crisp tract, State Survey No. 60 outstanding in Mrs. M. M. McCoy or her daughter Stella McCoy.

3. The portion of Tract 174 covered by what was known as the Joel Crisp sixty-two acre tract is defective in so far as the record is concerned. In fact, no grant has been found covering this tract. It constitutes an exception in Grant 83 to Love, Battle and Welch. This tract, however, is the old home place on which Joel Crisp lived many years ago and held under a deed and bond for title from T. P. Siler, Administrator of J. R. Siler as far back as 1878. The tract has been continuously under such adverse possession since that time and probably before, so as to negate title against any adverse claimants.

As to the failure to find any grant for this tract, Section 425 of the Consolidated Statutes provides that a grant will be presumed when the person in possession or those under who he claims have been in such adverse possession for thirty years or more under known and visible lines and boundaries. There can be no question of such possession for a period of more than thirty years and we think the facts are such as to presume a grant as against the State.

4. Subject to defective title to a small strip of land containing about fifteen acres lying just east of Grant 83 to which W. T. Woody apparently has no record title. This area is covered by the Norwood title already acquired by the State and will also be included in deed from W. T. Woody and wife to the State of North Carolina for tract 174 under an agreement by which a proper reduction in the original purchase price will be made. It is desirable to have this deed also cover this area in order that there may be no questions left open.

5. The title to this land is claimed by _____ Woody, a son of W. T. Woody, but no deed has been made to him and the title is now vested in W. T. Woody and check for the purchase money should be made payable to W. T. Woody and wife, M. V. Woody.

This 26th day of October

, 19²⁰.

J. W. Muller *W. V. Woody*
Attorney.

Address.....

STATE OF NORTH CAROLINA

Swain

COUNTY. }

THIS DEED, Made this 29th day of October A.D. 1929, by and between
W. T. Woody and wife M. V. Woody

of Swain County, North Carolina, hereinafter called GRANTORS, whether one or more, and
THE STATE OF NORTH CAROLINA, hereinafter called GRANTEE:

WITNESSETH:

That the said grantors for certain good and valuable considerations moving them thereto, and particularly the sum of Thirty-three Hundred and Fifty and No/100 (\$3350.00) Dollars, to them paid by the Grantee the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do hereby bargain, sell and convey unto the said grantee, its successors and assigns, the following described lands in Forneys Creek Township Swain County, State of North Carolina, particularly described as follows, viz.:

Tract No. (174)

BEGINNING at corner 1, which is corner 51 of the Norwood Lumber Co. Tract (172), a point with witnesses, set a post scribed W. 1 an 18" curly maple, blazed and scribed B. T. W. 1, bears South .12 chain distant; thence, with lines of the Norwood Lumber Company Tract (172), South 80-46 East 14.24 chains to corner 2, a point with witnesses, set a post scribed W-2, a 12" pine, blazed and scribed B. T. W-2, bears South .08 chain distance, South 3-52 West 26.27 chains, to corner 3, a locust stump with witnesses, set a post scribed W-3, a 14" white oak, blazed and scribed B. T. W-3, bears South 35-00 West 120 chain distant South 3-24 West 26.29 chains to corner 4, a point with witnesses set a post scribed W-4 a 24" spanish oak blazed and scribed B. T. W-4, bears South 65-00 West .10 chain distant; thence North 88-40 West 13.47 chains to corner 5, a 6" white oak with witnesses, 2.50 chains east of Woody Branch, blazed and scribed W-5; thence South 4-35W.14.49 chains to corner 6, a chestnut oak stump with witnesses, blazed and scribed W. C. an 8" maple, blazed and scribed B. T. W. C. bears North 35-00 West .12 chain distant; thence North 61-38 West 2.65 chains Woody Branch flows South 7.62 chains to corner 7, a black oak stump with witnesses on east slope, set a post scribed W-7 a 12" hickory blazed and scribed B. T. W. -7 bears West 10 chain distant; thence North 3.21 East 10.78 chains to corner 8, a 5" black oak with corner marks and witnesses on a ridge; thence North 85-36 West 3.85 chains to corner 9 set a post scribed W-9, a 10" spanish oak blazed and scribed B. T. W-9 bears North 45-00 East .15 chain distant; thence North 2-46 East 20.94 chains to corner 10, a 5" black gum blazed and scribed W-10 a 4" persimmon blazed and scribed B. T. W-10 bears North 10-00 West ,15 chain distant; thence North 56-18 West 7.15 chains corner 11, which is corner 1 of the Forney Creek Cemetery Tract (178), a point in the Norwood Lumber Company line; thence with lines of the Forney Creek Cemetery Tract (178), North 42-52 East 4.09 chains to corner 12, a point shown as corner of cemetery by S. W. Montieh; thence North 62-00 West 1.38 chains to corner 13, a 6" black gum with witnesses, a corner of the cemetery; thence South 51-17 West 4.09 chains to corner 14, a point in the Norwood Lumber Company line, a 22" black oak, marked as corner, bears North 51-17 East .28 chain distant; then with lines of the Norwood Lumber Company Tract (172), North 56-18 West 7.86 chains to corner 15, a point with witnesses on top of Forney Creek, Woody Branch divide set a post scribed W-11 a 10" pine blazed and scribed B. T. W-11 bears North 46-00 East .10 chain distant; thence North 2-17 East 25.23 chains to corner 16, a point with witnesses 1.00 chain east of ridge top, set a post scribed W-12 a 5" black oak blazed and scribed B. T. W-12 bears South 25-00 West .15 chain distant; thence South 87-06 East 5.45 chains to corner 17, the Southwest corner of Grant No. 81 set a post scribed W-13; thence North 3-32 East 13.35 chains pass corner common to Coffey and Norwood Lumber Company, 18. 55 chains to corner 18, which is corner 33 of the R. G. Coffey Tract (173) a point where a painted line crosses ridge top, set a post

scribed N. S. W.; thence up the ridge with its meanders, North 43-30 East 2.29 chains; North 70-08 East 2.02 chains; North 73-24 East 11.39 chains; North 50-19 East 4/73 chains; North 52-46 East 2.42 chains to corner 19, a small spanish oak blazed and scribed B. T. S, bears North 60-00 West .20 chain distant; thence South 2-56 West with a line of the R. G. Coffey tract (173) 27.55 chains Woody Branch flows Southwest 29.68 chains to place of BEGINNING, containing 230.77 acres.

Also all other pieces, parcels or tracts of land or interests in land that lies within the area designated by the Secretary of the Inerior as the "Great Smoky Mountains Park."

SIGNED, SEALED AND DELIVERED
in the presence of

W. J. Waady

(Seal)

M. J. Waady

(Seal)

W. J. Waady

(Seal)

(Seal)

STATE OF NORTH CAROLINA

County.

I, Will Wiggins, a Notary Public
do hereby certify that W. J. Waady
and M. J. Waady

his wife, personally appeared before me this day and acknowledged the due execution of the foregoing instrument; and the said M. J. Waady, being by me privately examined, separate and apart from her said husband, touching her voluntary execution of the same, doth state that she signed the same freely and voluntarily, without fear or compulsion of her said husband or any other person, and that she doth still voluntarily assent thereto. Let the instrument and the certificate be registered.

Witness my hand and Notary seal this 31st day of July, A.D. 1929

My commission expires

Dec 19, 1930

Will Wiggins
Notary Public.

FORNEY CREEK TOWNSHIP
SWAIN COUNTY, N. C.

| COUNTY TAX RATE \$100 Valuation | |
|------------------------------------|--------|
| Schools | \$1.04 |
| General County | .25 |
| Special County | .09 |
| County Wide Road Bonds | .07 |
| Jail Bonds | .08 |
| Sinking Fund | .04 |
| Forney Creek Road Bond | .43 |
| Forney Creek Road Mt. | .19 |
| <hr/> Total | \$2.19 |
| Special School Tax Extra. | |

Taxes for the year 1929 as follows:

| | | | |
|---------------------|---------|-------------|-------|
| Amount Listed, \$ | 1000.00 | Poll, \$ | |
| County Wide Tax | | \$ | 21.90 |
| Special School | | \$ | 2.00 |
| Dog Tax | | \$ | |
| Total Tax | | \$ | 23.90 |
| Discount or Penalty | | \$ | |
| | | Amount Paid | \$ |

1929

11-4-29

Received of

W.T. Woody

Forney, N.C.

Nº 375

J. R. Patterson, Sheriff. Per _____

D. S.

NORTH CAROLINA PARK COMMISSION

COMMISSION ON THE PART OF NORTH CAROLINA FOR THE PURPOSE OF
PRESENTING THE CLAIMS OF NORTH CAROLINA FOR A NATIONAL PARK

EUGENE C. BROOKS, RALEIGH
D. M. BROWN, BALD MOUNTAIN
JOHN G. DAVIS, WINSTON
PLATO EBBS, ASHEVILLE
R. T. FOUNTAIN, ROCKY MOUNT

MARK SQUIRES, CHAIRMAN, LENNON
EUGENE C. BROOKS, SECRETARY, RALEIGH

J. A. HARDISON, WADESBORO
FRANK LINNEY, BOONE
W. ELMER LONG, DURHAM
HARRY NETTLES, BETHUNE
E. S. PARKER, JR., GREENSBORO
MARK SQUIRES, LENNON

Bryson City,
North Carolina,
November 11, 1929.

Mr. Verne Rhoades,
N. C. Park Commission,
Asheville, N. C.

Dear Mr. Rhoades:

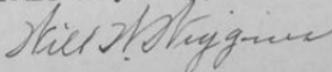
Your letter of the 9th in which you state you were enclosing deed from S. W. Richey and wife and also a check for \$262.80 to pay taxes on Richey land for 1929, have been received. I find the check enclosed but you failed to enclose deed.

I am enclosing herewith tax receipts on S.W. Richey land and also the W. T. Woody land.

I am also enclosing a bill of J. T. Gribble in the matter of J. T. Keener, Guardianship on Tract No. 168. I went with Keener and had him appointed guardian for his minor children. He was unable to pay the cost, so I had Gribble send this bill and the cost of this action will have to be deducted from the purchase price. Please send check direct to Mr. Gribble.

Mr. Massa told me last night that he had seen you and that you had told him it would be all right for me to make a trip of one day with him to Newton's Bald. If this is all right will be glad to make the trip.

Yours very truly,



W:D
Encs.

ANALYSIS OF TITLETRACT 174

Tract No. 174 is covered by the following Grants, namely:- Grants Nos. 81 and 83 to J. R. Siler, and State Survey No. 60, District No. 1 to Joel Crisp, and Grant No. 587 to Battle, Love and Welch.

1. The Northern portion of Tract No. 174 is covered by Grant No. 81 to J. R. Siler, heretofore shown in this Abstract on Page 430 hereof.

2. Grant No. 83 to J. R. Siler covers a part of the Southeastern portion of Tract No. 174. This Grant is duly registered in Jackson County. Page 576 of Abstract.

3. State Survey No. 60, District No. 1 is said to have been granted to Joel Crisp and is supposed to have been conveyed by him to J. R. Siler, as the records of Jackson, Macon and Swain Counties but have been unable to find this Grant. We have also asked the Secretary of State to furnish us with a certified copy thereof but he states that it cannot be found in his Office. This Survey is supposed to cover the Northeastern portion of Tract No. 174. However, as we do not have the calls of the Grant, all the deeds merely making a reference thereto, we are unable, therefore, to definitely locate same.

4. On December 4th, 1878, T. P. Siler, Administrator of J. R. Siler, executed to John Woody a deed conveying all of Grants Nos. 81, 82 and 83 and State Survey No. 60 aforesaid. This deed recites that it is made pursuant to two (2) Bonds executed by J. R. Siler, deceased. These Bonds are shown on pages 431 and 432 of the Abstract. This deed is duly executed and is registered in Swain County. Page 433 of Abstract.

5. The 31-1/2 acre tract located immediately West of State Survey No. 60 and the small tract located immediately South of Grant No. 83 aforesaid is covered by Grant No. 587 to Love, Battle and Welch and by mesne conveyances the title passes to Clarke Whittier as by reference to the Abstract of Title of the Burwood Lumber Company's lands will appear. Pages 46 to 137 of Abstract.

6. On April 7, 1887, Clarke Whittier, as Agent for the heirs of J. R. Love and others conveyed the two tracts above referred to, to John Woody by deed duly executed and registered in Swain County. Page 577 of Abstract.

7. Some time prior to the year 1905, John A. Woody died intestate, leaving as his heirs at law the persons named in the affidavit shown on page 578 of this Abstract. We have examined the records of Swain County but are unable to find any record of any administration upon this estate. The following deeds are supposed to be from the heirs at law of the said John A. Woody:

(a) On November 28th, 1905, John Lester and wife, Mary Lester, John M. Woody and wife, M. V. Woody, R. L. Jones and wife, M. J. Jones, C. B. Woody and wife, R. R. Woody, conveyed to W. T. Woody the Joel Crisp tract, State Survey No. 60, Grant No. 81, Grant No. 83 and the two tracts described in the deed of Clarke Whittier to John Woody aforesaid. This deed conveys an undivided 5/9 interest in the lands therein described and is duly executed and registered in Swain County. Page 579 of Abstract.

5-1

(b) On January 8, 1906, M. A. Duvall and husband, L. W. Duvall, conveyed to W. T. Woody an undivided 1/9 interest in all the lands referred to in Paragraph (a) above, by deed duly executed and registered in Swain County. Page 580 of Abstract.

(c) On January 30th, 1906, W. I. Woody, with the Joinder of his wife, conveyed to W. T. Woody, an undivided 1/9 interest in all the lands referred to in Paragraph (a) above, by deed duly executed and registered in Swain County. Page 581 of Abstract.

(d) On May 25, 1926, Annie Ray, with the Joinder of her husband, Ed Ray, conveyed to W. T. Woody all her interest in the lands referred to in Paragraph (a) above, by deed duly executed and registered in Swain County. Page 582 of Abstract.

(e) On May 25, 1926, Dicia Woody, widow, Charley Woody and wife, Sarah Woody, John Cole and wife, Emeline Cole, conveyed to W. T. Woody the lands referred to in Paragraph (a) above, by deed duly executed and registered in Swain County. Page 583 of Abstract.

(f) On May 25, 1926, Ellen Woody, widow, John DeLozier and wife, Roxie DeLozier, Harley Ash and wife, Pearl Ash, conveyed to W. T. Woody all their interest in the four tracts of land referred to in Paragraph (a) above, by deed duly executed and registered in Swain County. Page 584 of Abstract.

(g) On May 25, 1926, George Monteith, and wife, Maude Monteith, conveyed to W. T. Woody all their interest in the four tracts of land referred to in Paragraph (a) above by deed duly executed and registered in Swain County. Page 585 of Abstract.

The foregoing deeds convey all the interest which John A. Woody acquired in the locus in quo to W. T. Woody.

8. On August 18, 1888, John A. Woody and wife, M. P. Woody, conveyed to W. M. Jenkins and others, School Committee of District No. 7 and their successors in office, a small parcel of land, one (1) acre, being a part of Grant No. 83 and located on Woody branch. This deed appears to be properly executed and is registered in Swain County. Page 586 of Abstract.

9. On October 1st, 1906, W. A. Gibson, Chairman of the County Board of Education of Swain County, re-conveyed to W. T. Woody the one (1) acre tract or parcel of land above referred to. This deed is executed by W. A. Gibson as Chairman and not by the County Board of Education. This deed is not properly executed or probated, however, the County Board of Education claims no interest in this parcel and a quit-claim deed could probably be procured for said parcel. Page 587 of Abstract.

10. On August 23, 1883, John A. Woody and others executed to Loomis and Wheeler a timber deed conveying 706 Poplar and Ash trees located on the lands above referred to. No limit of time for the removal of the timber is stated in the conveyance. However, we think that all the rights of the grantees thereunder have ceased. Page 464 of Abstract.

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11. On March 9th, 1899, W. T. Woody conveyed to M. A. Gee, certain timber located on 350 acres of land, 225 acres being on Bear creek and 50 acres constituting his Home Place and 75 acres at the forks of Forney's creek. We are not certain, however, whether the description is intended to include any part of Tract No. 174. However, we believe that the rights of the grantees thereunder have ceased. Page 525 of Abstract.

12. On Pages 588 to 591 inclusive, will be found four (4) satisfied Mortgages or Deeds of Trust.

13. One-half the mineral interest in Grants 81 and 83, and the Joel Crisp Tract, State Survey No. 60, is outstanding in Mrs. M. M. McCoy. Pages 161 to 166, inclusive, of Abstract.

14. It will be observed that the title to a strip of land located East of Grant No. 83 cannot be traced into the present owner. So far, we have been unable to find any deeds to him or to any one else therefor, and the title would, therefore, seem to be in the Norwood Lumber Company under Grant No. 587 and the conveyances thereunder. Also the rectangular shaped piece of land lying immediately North of Grant No. 83 which is supposed to be the Joel Crisp Tract, State Survey No. 60 is incapable of location for the reason that all the deeds merely refer to Joel Crisp Tract, State Survey No. 60 without giving any notes and bounds, so that there can be no title in John A. Woody for this tract.