

## LEGAL NOTICES

NORTH CAROLINA, CHEROKEE COUNTY

NOTICE OF SALE By virtue of a deed of trust or Mortgage executed by W. O. Patton and wife, Bobbie Patton to T. J. Soberts, and Eli Abernathy trustee on 28th day of April 1932, which is recorded in office of Register of Beeds for Cherokee County, in Deed Book No. 90, page 548 or Book No. 90 of Deeds of Trust page 548, May 13th, 1932, to secure the debt therein mentioned due T. J. Roberts and the said W. O. Patton and wife, Bobbie Fatten, in said instrument mentioned, laving failed to pay off and discharge said indebtedness, and demand laving been made on said Eli Abernathy trustee, that he do sell the land hereinafter described and as described in said instrument of writing above referred to, we will on Monday November 7th, 1938, at 10 o'clock A. M. Central Time, offer for sale at public outery at the Courthouse door n Murphy the following described lands adjoining the lands of George Jalmer, W. O. Patton and others Beginning on the South West cornet No. 11, as shown by the map of the Duke Land and Improvement Co. recorded in Plat Book No. 1, page 13, and running East 58 poles to a pine in said line; thence N. W. 79 p. to the corner of said lot; thence South to the beginning. Containing 10 acres more or less. To satisfy the indebtedness or any balance that may be due there on, that is setforth in said instrument above referred to. Terms of sale cash. Sale made subject to con firmation as provided by law. This October 6, 1938.

ELI ABERNATHY, Trustee. (10-5t-ebn)

in the District Court of the United States for the Western District of North Carolina, No. 2. United States of America upon the relation and for the use of the Tennessee Valley Authority, Petitioner v. George Whiteomb, Anna Whiteomb, his wife; Willoughby N. Whitcomb, Susie Whitcomb, his wife; Fred B. Whitcom, Alice Whitcomb, his wife; John Whitcomb; Holbert Whitcomb, Annie Whitcomb, his wife; Edith Augusta Whitconib; Lou Bell Whitcomb Hoe, Homer Hoe, her husband; Charles W. Whitcomb, Frances Whitcomb, his wife; Martha Liberty Whitcomb, a minor; May Whitcomb Wetmore, Tom Wetmore, her Wetmore, Wetmore, her Dickey, Betty husband; Charles Dickey, Betty Dickey, his wife; W. F. Krickhan, M. P. Coleman, Minnie Stewart, Clara Crisp, Lula Ward, Quince Colvard, Mae Colvard, widow of S. J. R. Colvard, deceased; Pauline Day, Bertha Day, Myra Taulbee, Decatur Colvard, J. R. Colvard, Odin Hill, Arthur Hill, her husband Mildren (Mildred) Feeling, Minnie Colvard, widow of Ross Colvard, deceased; J. D. Colvard, W. A. Adams, as guardian of Martha Liberty Whitcomb, a minor; Lena Atkin Wert, as executrix of the estate of Dr. B. S. Wert, deceased: Page-Hancock Company, a Corporation; State of North Carolina, a Sovereign State; Hamilton County, Tenhessee, a political subdivision of the Tennessee; Hamilton National Bank of Chattanooga, a Corporation, as guardian of Martha Liberty Whitcomb, a minor; Unknown Heirs, Devisees, Executors, Administrators, Creditors, and Successors in Title of Cynthia Whitcomb, deceas-Whitcomb, Charlie Whitcomb and Thomas Cockerham; Unknown Heirs of Ross Colvard, deteased; Unknown Parties in Interest, Respondents. Order of Publication. In the above styled cause it appeared that the following respondents are all non-residents of the State of North Carolina, and not to be found within the State of North Carolina after diligent search and inquiry, and reside at the addresses shown after their lespective names: George G. Whitcomb, Anna Whitcomb, his wife, Fred B. Whitcomb, Alice Whitcomb, his wife, John Whitcomb, Holbert Whiteomb, Annie Whiteomb, his wife, Edith Augusta Whitcomb, Charles W. Whiteomb and Frances Whitcomb, his wife, Harlan, Kentucky; Will-aughby N. Whitcomb and Susie Whittomb, his wife, Harriman, Tennessee; Lon Bell Whitcomb Hoe and Homer Hoe, her husband, Middlesboro, Kentucky; Martha Liberty Whitcomb, 2 minor, 510 East Fourth Street, Chattanooga, Tennessee; May Whitcomb Co., and the land of the Southern

Wetmore and Tom Wetmore, her husband, Little River, South Carolina: Minnie Stewart, Clara Crisp and Quince Colvard, Elk City, Okiahoma. Lula Ward and Decatur Coivard. Vinita, Oklahoma; Pauline Day and Bertin Day, Carmango, Oklahoma; Myra Taulbee, 12 West Walker! Cherokee County, State of North Street, McAllister, Oklahoma; J. R. Carolina, on the right side of the Carolina, on the right side of the control of the land in dispute among the State of North Carolina, the Southern of Previously described and so in a southerly direction approximately described as the land in dispute among the State of North Carolina, the Southern of Previously described as the land in dispute among the State of North Carolina, the Southern of Previously described and the land in dispute among the State of North Carolina, the Southern of Previously described as the land in dispute among the State of North Carolina, the Southern of Previously described as the land in dispute among the State of North Carolina, the Southern of Previously described as the land in dispute among the State of North Carolina, the Southern of Previously described as the land in dispute among the State of North Carolina, the Southern of Previously described as the land in dispute among the State of North Carolina, the Southern of Previously described as the land in dispute among the State of North Carolina, the Southern of Previously described as the land in dispute among the State of North Carolina, the Southern of Previously described as the land in dispute among the State of North Carolina, the Southern of Previously described as the land in dispute among the State of North Carolina, the Southern of Previously described as the land in dispute among the State of North Carolina, the Southern of Previously described as the land in dispute among the State of North Carolina, the Southern of Previously described as the Southern of Previously described as the southern of Previously described as the land of the State of North Carolina, the Southern of Previously described as the sou Lula Ward and Decatur Colvard, Colvard, Afton, Oklahoma; Mildren (Mildred) Feeling, Selina, Okiahona; Minnie Colvard, Lumberton, New Mexico; J. D. Colvard, Whittier, California; Lena Atkin Wert, 428 James Boulevard, Signal Mountain, Tennessee; Page-Hancock Company, a corporation, 1914 McCallie Avenue, Chattanooga, Tennessee; Hamilton County, Tennessee, a political subdivision of the State of Tennessee, Chattanooga, Tennessee; Hamilton National Bank of Chattanooga, a corporation, as guardian of Martha Liberty Whitcomb, a minor, Hamilton National Bank Building, Chattanooga, Tennessee; Mae Colvard, Odin Hill and Arthur Hill, her busband, whose addresses are unascertained after diligent search and inquiry; unknown heirs, devisees, executors, administrators, creditors and successors in title of Cynthia Whitcomb, deceased, Charine A. Whitcomb, Charlie Whitcomb and Thomas Cockerham; unknown heirs of Ross Celvard; and all unknown parties in miterest whose names, ages and addresses are unas certained after diligent search and inquiry are non-residents of the Stata miles southeast of the mouth of the Southern States Power Company line of the land in dispute between ordered that the above respondents appear on or before the 2 day of December, 1938, in this Court, sitting at Asheville, North Carolina, and then and there make answer to this petition and assert whatever right, title, claim, or interest they may have in the said lands herein condemned, or be forever barred. The lands affected by this condemnation are to wit: TRACT FBR-10—A tract of land lying in Beaverdam Township, and also in the Fifth Civil District of Cherokee County, State of North T. J. ROBERTS, Beneficary Carolina, on the right side of the Hiwassee River, approximately 5/8 miles east of the mouth of Beaver Dam Creek, and more particularly described as follows: A tract of land shown on the map of Cherokee County, State of North Carolina, as a portion of State Survey Tracts Nos. 72, 73, 74, 75, & 77, State Survey Tract No. 76, the land lying south of and adjacent to State Survey Tract No. 77, and more particularly described as follows: Beginning at a stake at the northwest corner of State Survey Tract No. 76, a corner to the lands of the Southern States Power Company, and the most northerly point of the tract herein described; thence with the Power Company's line S. 84\* 30' E., 1705 feet to a point; thence S. 79\* 30' E., 645 feet to a stake, a corner of the lands of the Southern States Power Company, and the Mark Rose Heirs; thence with the Mark Rose Heirs' line S. 84° 30' E., 1890 feet to a stone, a corner of the lands of the Mark Rose Heirs, and A. W. Chambers; thence with A W. Chambers' line S. 85° 00' E., 125 feet to a stone; thence S. 6° 00' W., 725 feet to a 2 inch sourwood tree at the top of a ridge, a corner of the lands of A. W. Chambers, and Geo. W. Hall: thence with Geo. W. Hall's line, and with the top of the ridge as it meanders in a southwesterly direction approximately 1340 feet to an 18 inch spanish oak tree; thence continuing with the ridge as it meanders in a southerly direction approximately 1060 feet to a 36 inch black oak tree; thence, leaving the ridge, S 00' E., 275 feet to a stake, a corner of the lands of Geo. W. Hall, and W. G. Odom; thence with Odom's line S. 37° 00' W., 1210 feet to a stake at an elevation of 1465 feet above mean sea level, a corner of the lands of W. G. Odom, and the Southern States Power Company; thence with the Southern States Power Com pany's line, and with the 1465 foot contour as it meanders in a westerly direction approximately 2930 feet to a 6 inch sourwood tree; thence N. 90' W., 1130 feet to a point at an elevation of 1465 feet above mean sea level; thence with the 1465 foot contour as it meanders in a northcasterly and then in a southwesterly direction approximately 2730 feet to a point; thence N. 41° 00' W., 725 feet to a 30 inch black oak tree, a corner of the land of the Southern States Power Company, and the land in dispute between Mollie I. Whitcomb and the Southern States Power Company; thence with the line of the land in dispute between Mollie I. Whitcomb and the Southern States Power Company N. 4° 00' E., 1865 feet to a stake, a corner of the land in dispute between Mollie I. Whitcomb and the Southern States Power

States Power Co.; thence with the dispute among the Southern States Power Company's line N. 7° 30' E., Power Company, State of North Car-1309 feet to the point of beginning olina and M. P. Coleman, and with lows: A portion of a tract of land and containing 362.8 acres, more of the 1465 foot contour as it meanders Cherokee County, State of North Carolina, on the right side of the Hiwassee River, approximately I mil-southeast of the mouth of Beaver Dam Creek, and more particularly described as follows: Beginning at a point at an elevation of 1465 feet. above mean sea level, a corner of the lands of Mollie I. Whitcomb, and the Southern States Power Company (an adjoining tract), and the most southerly point of the tract herein described; thence with the Power Company's line N. 41° 00' W., 240 feet to a point at an elevation of 1465 feet above mean sea level, a corner of the lands of the Southern States Power Company (an adjoining I Whitcomb; tract), and Mollie thence with Mollie I. Whitcomb's line and the 1465 foot contour as it meanders in a northeasterly and then southwesterly direction approximately 2730 feet to the point of beginning, and containing 3.9 acres, more or TRACT FBE-12-A tract land lying in Beaver Dam Township and also in the Fifth Civil District of Cherokee County, State of North Carolina, on the right side of the Hiwassee River, approximately 1 1/2 Beaver Dam Creek, and more particularly described as follows: Beginning at a 6 inch sourwood tree at an elevation of 1465 feet above mean sea level, a corner to the lands of the Southern States Power Company (an adjoining tract), and Mollie 1. Whitcomb, and the most westerly point of the tract herein described thence with Mollie I. Whitcomb's line and the 1465 foot contour as it meanders in a northerly and then easterly direction approximately 2930 feet to a stake, a corner of the lands of the Mollie I, Whiteomb, and W. G. Odom; thence with W. G. Odom's line S.  $37^{\circ}$  00' W., 455 feet, crossing Chambers Creek, to a 6 inch dogwood tree at an elevation of 1465 feet above mean sea level, a corner of the lands of W. G. Odom. and Mollie L. Whitcomb; thence with Mollie I. Whitcomb's line and the 1465 foot contour as it meanders in a westerly direction approximately 1895 feet to a stake, a corner of the lands of Mollie I. Whitcomb, and the Southern States Power Company (an adjoining tract); thence with the Southern States Power Company's line N. 49° 00' W., 250 feet, cross ing Chambers Creek, to the point of beginning, and containing 19.2 acres, more or less. TRACT FBR-13-A tract of land lying in Reaver Dam Township and also in the Fifth Civil District of Cherokee County, State of North Carolina, on the right side of the Hiwassee River, approximately 112 miles southeast of the mouth of Beaver Dam Creek, and more particularly described as follows: ginning at a stone, a corner of the lands of W. G. Odom, and the Southern States Power Company, and the most southerly point of the tract herein described; thence with the Southern States Power Company's line N. 49° 00' W., 785 feet to a stake at an elevation of 1465 feet above mean sea level; thence with the 1465 foot contour as it meanders in an easterly direction approximately 1895 feet to a 6 inch dogwood tree, a corner of the lands of the Southern States Power Company, and W. G. Odom; thence with W. G. Odom's line S. 64° 00' W., 1225 feet to the point of beginning, and containing 15.5 acres, more or TRACT FBR-355-A tract of land lying in Beaverdam Township, and also in the Fifth Civil District of Cherokee County, State of North Carclina, on the right side of the Hiwassee River, approximately feet northeast of the mouth of Beaver Dam Creek, and more particularly described as follows: A portion of a tract of land previously described and conveyed as Pre-emption No. 273, and more particularly described as follows: Beginning at a point at an elevation of 1465 feet above mean sea level and in the north line of Pre-emption No. 273, said point being S. 76° 30' W., 35 feet from the north east corner of Pre-emption No. 273. a corner of the land in dispute among the Southern States Power Company Mollie I. Whitcomb and the A. N. Colvard Heirs, the land in dispute between the Southern States Power Company and the A. N. Colvard Heirs, and the land in dispute among the Southern States Power Company, State of North Carolina and M. P. Coleman, and the most northerly

point of the tract herein described:

States Power Company and M. P. Coleman, the land of the Southern States Power Company, and the land in dispute between the Southern Whitcomb, and the land of Mollie L. States Power Company and Mollie I Whitcomb; thence with the line of the land in discute between the Southern States Power Company and feet to a point at an elevation of 1465 feet above mean sea level, a corner of the land in dispute between the Southern States Power Company and Mollie I. Whiteomb, the land of the Southern States Power Company, and the land in dispute among the State of North Carolina, the Southern States Power Com pany and M. P. Coleman; thence with the line of the land in dispute among the State of North Carolina, the Southern States Power Company and M. P. Coleman, and with the 1465 foot contour as it meanders in a northwesterly direction approximately 2990 feet to a point, a corner of the land in dispute among the State of North Carolina, the Southern States Power Company and M. P. Coleman, the land in dispute between and the A. N. Colvard Heirs, and the land in dispute among the Southern States Power Company, Mollie I. Whitcomb and the A. N. Colvard Heirs; thence with the line of the land in dispute among the Southern States Power Company, Mollie 1. Whiteemb and the A. N. Colvard Whiteomb and the A. Heirs N. 76° 30' E., 1560 feet to the point of beginning, and containing 13.3 acres, more or less. TRACT FBR-384-A tract of land lying in Beaverdam Township, and also the Fifth Civil District of Cherokee County, State of North Carolina, on the right side of the Hiwassee River, approximately 1 / 4 mile north of the mouth of Beaver Dam Creek, and more particularly described as fol-A tract of land shown on the lows: map of Cherokee County, State of North Carolina, as a portion of Entry 8646, Grant No. 19, 173, and more particularly described as follows Beginning at a stake, a corner of the land in dispute between the Southern States Power Company and Mollic I. Whitcomb, the land of the Southern States Power Company, and the land in dispute between the Southern States Power Company and Mollie I Whitcomb; thence with the line of the land in dispute between the Southern States Power Company and Mollie I. Whitcomb S. 89° 30' E. 1960 feet to a stake; thence S. 20 S0' E., 870 feet to a point at an elevation of 1465 feet above mean sea level, a corner of the land in dispute between the Southern States Power Company and Mollie I. Whit comb, the land of the Southern States Power Company, and the land in dis pute between the Southern States Power Company and the A. N. Colvard Heirs; thence with the line of the land in dispute between the Southern States Power Company and N. Colvard Heirs, and the 1465 foot contour as it meanders in a southerly direction approximately 75 feet to a point; a corner of the land in dispute between the Southern States Power Company and the A. N. Colvard Heirs, and the lands of the Southern States Power Company, and Mollie I. Whitcomb; thence with Mollie I. Whitcomb's line S. 76° 36' W., 1560 feet to a point at an elevation of 1465 feet above mean sea level. a corner of the lands of Mollie I. Whitcomb, the Southern States Power Company, and the land in dispute between the Southern States Power Company and the A. N. Colvard Heirs; thence with the line in dispute between the Southern States Power Company, and the A. N. Colvard Heirs, and the 1465 foot contour as it meanders in a northwesterly direction approximately 770 feet to a point; a corner of the land in dispute between the Southern States Power Company and the A. N. Colvard Heirs, the land of the Southern States Power Company, and the land in dispute between the Southern States Power Company and Mollie I Whitcomb; thence with the line in dispute between the Southern States Power Company and Mollie I. Whit-comb N. 18" 00' W., 860 feet to the point of beginning, and containing 47.9 acres, more or less. TRACT FBR-395-A tract of land lying in Beaverdam Township and also in the Fifth Civil District of Cherokee County, State of North Carolina, on the right side of the Hiwassee River, apthence with the line of the land in proximately 1/4 mile southeast of

the mouth of Beaver Dam Creek, and more particularly described as folemption No. 273, a corner of the land in dispute between the Southern States Power Company and Mollie L. Whiteomb, and the most easterly point of the tract herein described; thence with Mollie I. Whitcomb's line S. 77° 00' W., 865 feet to a point at Mellie I. Whitcomb S. 10° 00° E., 295 an elevation of 1465 feet above mean sea level, a corner of the lands of Mollie I. Whitcomb, the Southern States Power Co., and the land in dispute among the State of North Carolina, the Southern States Power Company and M. P. Coleman; thence with the line of the land in dispute among the State of North Carolina, the Southern States Power Company and M. P. Coleman, and with the 1465 foot contour as it meanders in a northerly and then an easterly direction approximately 1960 feet to a point, a corner of the land in dispute among the State of North Carolina, the Southern States Power Company and M. P. Coleman, the land of the Southern States Power Company, and the land in dispute between the Southern States Power Company and Mollie I. Whitcomb; thence with the the Southern States Power Company and Mollie I. Whitcomb S. 10 E., 550 feet to the point of beginning, and containing 10.8 acres, more or less. TRACT FBR-396—A tract of land lying in Beaverdam Township, and also in the Fifth Civil District of Cherokee County, State of North Carolina, on the right side of the Hiwassee River, approximately 1/4 mile east of the mouth of Beaver Dam Creek, and more particularly described as follows: A portion of a tract of land previously described and conveyed as Pre-emption No. 273, and more particularly described as follows: Beginning at a point at an elevation of 1465 feet above mean sea level and in the east line of Preemption No. 273, said point being N. 00' W., 725 feet from a stake at the southeast corner of Pre-emption No. 273 a corner of the land in dispute between the Southern States Fower Company and Mollie I. Whitcomb, the land of the Southern States Fower Company, and the land in dispute among the State of North Carolina, the Southern States Power Company, and W. P. Coleman, and the most easterly point of the tract herein described; thence with the line of the land in dispute among the State of North Carolina, the Southern States Power Company and M. P. Coleman and with the 1465 foot contour as it meanders in a westerly, northerly, and then an easterly direction approximately 565 feet to a point, a corner of the land in dispute among the State of North Carolina, the Southern States Power Co. and M. P. Coleman, the land of the Southern States Power Company, and the land in dispute between the Southern States Power Company and Mollie I. Whitcomb; thence with the line of the land in dispute between the Southern States Power Company and Mollie I. Whitcomb S. 10° 00' E., 160 feet to the point of beginning, and containing 0.8 acres, more or less. TRACT FBR-416-A tract of land lying in Beaverdam 'fownship and also in the Fifth Civil District of Cherokee County, State of North Carolina, on the right side of the Hiwassee River, approximately 1 3/8 miles southeast of the mouth of Beaver Dam Creek, and more particularly described as follows: ginning at a 6 inch dogwood tree, a corner of the lands of Mollie I. Whitthe Southern States Power Co., and W. G. Odom, and the most northerly point of the tract herein described; thence with W. G. Odom's line S. 38° 00' W., 282 feet to a stake; thence N. 88° 00' E., 280 feet to a stake; thence S. 38° 00' W., 690 feet to a point, a corner of the lands of W. G. Odom, and the Southern States Power Co.; thence with the Power Co.'s line N. 74° 00' W., 815 feet to a point, a corner of the lands of the Southern States Power Co., and Mollie I. Whitcomb; thence with Mollie I. Whitcomb's line N. 64° 00' E., 1225 feet to the point of beginning, and containing 9.0 acres, more or less. It is further ordered that this notice be published once a week for four (4) consecutive weeks in the Cherokee Scout, a weekly newspaper published in Murphy, North Carolina. Done this 7 day of Oct. 1938. E. Y. WEBB, Judge. A true copy test, J. Y. Jordan, Clerk, By O. L. McLurd, Chief Deputy Clerk, (11-4t-iva)