

LEGAL ADVERTISING

NOTICE OF SALE

North Carolina, Macon County. J. D. Franks, Administrator of Ellen S. Franks, Deceased.

vs: Minnie Powers, widow; Mattie Higdon; Mack Higdon; Jessie Murray; G. W. Murray; J. D. Franks and wife, Fannie Mae Franks; Mack Franks and wife, Pearl Franks; Mattie Will Byrne and husband, Cecil Byrne; Inez Roszell and husband, Leander Roszell; Catherine Henry and husband, F. L. Henry, Jr., and Margaret Franks.

By virtue of power of sale conferred on the undersigned as Commissioner of court by Judgment entered in the above entitled proceeding, I will on Monday, the 11th day of January, 1937, at 12 o'clock M. at the courthouse door in the town of Franklin and County of Macon, sell to the highest bidder the following described property:

First Tract: Deed dated the 9th day of April, 1925. William F. Curtis et al, heirs at law of W. A. Curtis by their attorney in fact, Henry G. Robinson, to E. H. Franks and wife, Ellen S. Franks, recorded in Book J-4, page 479, office of the Register of Deeds, Macon County, North Carolina, and more particularly known as Lot No. 16 of the lands comprising the estate of the late W. A. Curtis as appears in the plat thereof made by E. L. Allen, surveyor, and recorded in the office of the Register of Deeds, Macon County, in Book of Plats and Maps No. 1, page 7, to which reference is had for a more definite description.

Deed dated the 9th day of April, 1925, by William F. Curtis, et al, heirs at law of W. A. Curtis, by their attorney in fact, Henry G. Robinson, to E. H. Franks and wife, Ellen S. Franks, recorded in Book L-4, page 4, records of Macon County, lying and being in Macon County, North Carolina, and more particularly known as Lot No. 17 of the lands comprising the estate of the late W. A. Curtis, as appears on plat or map thereof, made by R. L. Allen, surveyor, and recorded in office of the Register of Deeds, Macon County, in Book of Plats and Maps No. 1, page 7, to which reference is made for a more full description and the estimated value thereof is \$1,000.00.

Second Tract: Two lots or parcels of land known as Lots No. 5 and No. 6 in Block 2, in tract of land in Macon County known as the Lyman Field property, surveyed and mapped by W. B. McGuire, reference being hereby made to same maps so recorded in Book I-3, pages 56 and 57, Records of Macon County, for a more full description of the land and lots to be sold. Also described in deed from Sam L. Franks and wife, Eloise G. Franks to E. H. Franks and wife, Ellen S. Franks, dated the 11th day of January, 1913, and recorded in Book O-3, page 258, Records of Macon County, North Carolina, and the estimated value thereof is \$150.00.

Terms of sale, one-third cash, one-third in six months and one-third in twelve months, with interest on deferred payments; deferred payments to be secured by deeds of trust on the property.

This the 7th day of December, 1936.

J. D. FRANKS, Commissioner.

D10-5tc-JDF-J7

NOTICE OF SALE IN THE SUPERIOR COURT

North Carolina, Macon County. Eugene Brooks, Frank Grant and Walter C. Cogswell, and heirs of Eugene D. Brooks, Frank Grant and Walter C. Cogswell, and all other persons, Firms or Corporations claiming any interest in the subject matter of this action.

Under and by virtue of a judgment entered in the above entitled proceedings by the Clerk of the Superior Court of Macon County, North Carolina, the undersigned will, on the 4th day of January, 1937, at the courthouse door in the Town of Franklin, North Carolina, at 12 M. o'clock, sell to the highest bidder for cash the following described tracts of land, to-wit:

Being the land described in a deed from the American Corundum Company to Eugene D. Brooks, Frank Grant and Walter C. Cogs-

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well, of date the 1st day of May, 1903, and of record in Deed Book UU at page 496, Office of the Register of Deeds for Macon County, North Carolina, consisting of 180 acres.

Second Tract: Being the mineral interest in and to a tract of land described in a deed from T. B. Higdon and wife, Lula Higdon, to Frank Grant, W. C. Cogswell and E. D. Brooks, of date the 23rd day of November, 1906, and of record in Deed Book ZZ, page 552, Office of the Register of Deeds for Macon County, North Carolina.

This the 30th day of November, 1936.

J. FRANK RAY, Commissioner

D10-4tc-D31

NOTICE OF SALE IN THE SUPERIOR COURT

North Carolina, Macon County. Martary V. McConnell, H. K. Russell and wife, — Russell, K. W. Russell, and wife, Edna Russell, Fred Russell, Lina Russell, Margie Russell Dills and husband, Arthur Dills, Thaddie Russell and wife, Edith Russell.

Under and by virtue of a judgment entered in the above entitled proceedings by the Clerk of the Superior Court of Macon County, North Carolina, the undersigned will, on the 4th day of January 1937, at the courthouse door in the Town of Franklin, North Carolina, at 12 M. o'clock, sell to the highest bidder for cash the following described tracts of land, to wit:

First Tract: In Macon County, North Carolina, on the waters of Sugarfork River, and bounded as follows, BEGINNING at a white oak in D. C. Cunningham's line near the house, runs south 30 west 31 poles to a post oak; south 65 west 22 poles to a black oak; south 5 west 18 poles to a post oak; south 52 east 18 poles to a Spanish oak on top of a ridge; north 60 east 26 poles to the BEGINNING, containing five (5) acres and 92 poles.

Second Tract: In Ellijay Township, Macon County, North Carolina, bounded as follows: BEGINNING at a white oak near a small branch, runs south 19 east 40 poles to a small black oak; south 5 west 19 poles to a post oak, an old corner of sections No. 47 and 49; south 45 east 30 poles to a stake; north 43 east 41 poles to a Spanish oak; north 60 east 27 poles to a large white oak; north 30 west 31 poles to a post oak; south 60 west 25 poles to a black oak; north 23 west 58 poles to a post oak; south 76 west 38 poles to a black oak near the school house; south 21 1/2 36 poles to the beginning, containing 20 acres more or less.

This the 30th day of November, 1936.

J. FRANK RAY, Commissioner

D10-4tc-D31

NOTICE OF SALE IN THE SUPERIOR COURT

North Carolina, Macon County. Lizzie Estes, widow, Alonzo Estes and wife, Mollie Estes, Oscar Estes, and wife, — Estes, Eva Sutton and husband, General Sutton, Mamie Early and husband, John Early, Alice Thompson and husband, Wilfred Thompson, Selma Holland, H. C. Holland, Jesse Estes and wife, Maude Estes, Wiley Estes and wife, Edna Estes, Robert Estes and wife, Willie Mae Estes, America Stanfield and husband, David Stanfield, Don Estes, Wayne Estes and Lloy Estes, Minors, Defendants.

Under and by virtue of a judgment entered in the above entitled proceedings by the Clerk of the Superior Court of Macon County, North Carolina, the undersigned will, on the 4th day of January, 1937, at the courthouse door in the Town of Franklin, North Carolina, at 12 M. o'clock, sell to the highest bidder for cash the following described tracts of land, to-wit:

BEGINNING at a stone on the West bank of the Sugarfork River, the corner of numbers 45, 44, 21 and the beginning corner of No. 22, in District No. 12, and runs down

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the river with its meanders 96 poles to a rock on the East bank of the river, then with the line of No. 45, N. 65 E. 60 poles to a stone, S. 15 E. 80 poles to a stone on top of a ridge, then down the ridge S. 43 W. 15 poles to a rock and pointers, So. 63 W. 10 poles to a black oak; So. 60 W. 28 poles to a post oak; So. 47 1/2 W. 78 poles to a large rock on the bank of the river; down the river with its meanders to the beginning, containing 76 acres, more or less, being the same land conveyed to A. W. Jacobs by R. A. Jacobs and wife, by deed of date May 2, 1888, in Deed Book X, page 333, Office of the Register of Deeds.

This the 30th day of November, 1936.

J. FRANK RAY, Commissioner

D10-4tc-D31

NOTICE OF FORECLOSURE SALE

North Carolina, Macon County. Under and by virtue of the authority conferred by a deed of trust executed by James L. Hauser, dated the 15th day of August, 1925, and recorded in Book 30, at page 373, in the office of the Register of Deeds for Macon County, North Carolina, I will, at 12 o'clock noon, Monday, December 21, 1936, at the courthouse door of Macon County, in Franklin, North Carolina, sell at public auction, to the highest bidder, for cash, the following land, to-wit:

Lots Nos. 47, 48 and 49 in the J. S. Trotter property on the Georgia road, as surveyed and platted by E. L. Allen, Engineer, July 12, 1925, and recorded in the Office of Register of Deeds for Macon County, in Plat Book No. 1, page 13.

This sale is made on account of default in the payment of the indebtedness secured by said deed of trust.

This the 19th day of November, 1936.

GILMER A. JONES, Trustee N26-4tc-D17

In the District Court of the United States of America for the Western District of North Carolina, Asheville Division. At Law No. 385. United States of America v. 551.90 acres of land in Clay and Macon Counties, North Carolina, W. T. Latham, et al. Notice of Action by Publication of Summons. To: O. L. Anderson; Haywood Realty Co; wife of R. R. Mullikin; C. L. Patton and wife; J. T. Patton; C. E. Wood and wife; Randolph McGuire Bulgin; Hanover National Bank; Charles Ward; Max Palm; Reinhold Palm; Carolina Mountains Realty Corporation; J. A. Esses; Emoline Holden; Mrs. M. M. Kimsey; John Kimsey; W. O. McGibony, Trustee; J. L. Smathers Company; unknown creditors of Ed. T. Shearer; J. A. Esses; R. G. Ketrion; Otto Hermann; Theodore Palm; A. J. Patton; Amelia Hollister Rockwell and husband, if any; C. W. Slagle; M. D. Ashe; W. M. Kelly and wife; G. R. Patton; Erwin Patton; Tallassee Power Co; W. A. Parker and wife; Louise Plonk and husband, T. M.; The Land Bank Commissioner; Augusta Palm; Otto Palm, Jr.; M. C. Caldwell and wife, Elizabeth; Kate Shearer Eller and husband; Chas. Heaton and wife; Flora Hollister; V. O. Kimsey and wife, Emma L; M. R. Love and wife, if any; Marion Passmore and wife; unknown devisees of Otto Palm; Andrew Barnard; Ribley Jones and wife; Emma C. Martin; W. A. Parker and wife, Laura; Mamie Slagle Patton; Archble Rogers; Ed T. Sheaver; Alfred P. Parker; and all persons whomsoever who have, or claim to own any estates or interests in the fee or otherwise in and to the premises described in the petition filed in this cause and described in this notice, and any and all heirs and devisees of the several parties above named, whose names and addresses are unknown, and all and singular their heirs, husbands, wives, devisees, executors, administrators, representatives, alienees, successors and assigns, of each and every of them; and all unknown owners, lienors, or claimants, having or claiming to have, any right, title, estate, equity, interest or lien; and all occupants, lessees, users, holders and owners of and claimants to any rights or easement or prescription in, over, across, or through said lands, or any part thereof; you will please take notice that an action entitled as above has been commenced in the district court of the United States for the Western District of North Carolina, at Asheville, N. C., that summons has been duly issued out of said Court, and petition filed therein asking for the condemnation of the lands described in the said petition and hereinafter described, that you, and each of you, are necessary parties to the just and final disposition of this action; that said action has been instituted by the United States Attorney for the Western District of North Carolina, for the purpose of appropriation and condemnation by judicial process, for the public use and benefit of the United States of America, of the lands described in said petition and herein below described under and by virtue of the provisions of the Weeks Law, Act of Congress of March 1, 1911, Chap. 186 (39 Stat. 961) Title 16, Sections 513, 521, 553, and 563 of U. S. C. A., and according to the method and procedure prescribed in the Act of Congress of August 1, 1888 (25 Statutes 357 (40 U. S. C. A., Sections 257, 258 and 258-a); that the lands proposed to be condemned and appropriated by the plaintiff United States are described substantially as follows: Tract No. 222, Ia, apparent and presumptive owner being W. T. Latham containing according to survey 551.90 acres, situated in Macon and Clay Counties, North Carolina, on the waters of Buck Creek, a tributary of Nantahala River, more particularly described by metes and bounds in Exhibit "A" of the petition and upon map or plat Marked "Exhibit "B", of the petition, attached to said petition in said proceeding filed with the Clerk of this Court at Asheville, N. C; you and each of you are hereby notified to be and appear at the office of the Clerk of the United States District Court for the Western District of North Carolina, in the United States Courthouse Building at Asheville, Buncombe County, N. C., not later than ten (10) days from and after the completion of service of this summons by publication for four (4) successive weeks, and answer or demur to the petition or complaint herein filed by the above named petitioner in the office of the said Clerk, and you are further notified that if you fail to appear and answer or demur to the said petition or complaint within the time specified the petitioner will apply to the Court for the relief demanded in said petition; witness the Honorable E. Y. Webb, Judge of the District Court for the Western District of North Carolina, this the 10 day of December, 1936, and the year of our Independence the 161st. J. Y. Jordan Clerk, By: O. L. McLurd, Chief Deputy Clerk. D17-4tc-J7

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condemnation of the lands described in the said petition and hereinafter described, that you, and each of you, are necessary and proper parties to the just and final disposition of this action; that said action has been instituted by the United States Attorney for the Western District of North Carolina for the purpose of appropriation and condemnation by judicial process, for the public use and benefit of the United States of America, of the lands described in said petition and herein below described under and by virtue of the provisions of the Weeks Law, Act of Congress of March 1, 1911, Chap. 186 (39 Stat. 961) Title 16, Sections 513, 521, 553, and 563 of U. S. C. A., and according to the method and procedure prescribed in the Act of Congress of August 1, 1888 (25 Statutes 357 (40 U. S. C. A., Sections 257, 258 and 258-a); that the lands proposed to be condemned and appropriated by the plaintiff United States are described substantially as follows: Tract No. 222, Ia, apparent and presumptive owner being W. T. Latham containing according to survey 551.90 acres, situated in Macon and Clay Counties, North Carolina, on the waters of Buck Creek, a tributary of Nantahala River, more particularly described by metes and bounds in Exhibit "A" of the petition and upon map or plat Marked "Exhibit "B", of the petition, attached to said petition in said proceeding filed with the Clerk of this Court at Asheville, N. C; you and each of you are hereby notified to be and appear at the office of the Clerk of the United States District Court for the Western District of North Carolina, in the United States Courthouse Building at Asheville, Buncombe County, N. C., not later than ten (10) days from and after the completion of service of this summons by publication for four (4) successive weeks, and answer or demur to the petition or complaint herein filed by the above named petitioner in the office of the said Clerk, and you are further notified that if you fail to appear and answer or demur to the said petition or complaint within the time specified the petitioner will apply to the Court for the relief demanded in said petition; witness the Honorable E. Y. Webb, Judge of the District Court for the Western District of North Carolina, this the 10 day of December, 1936, and the year of our Independence the 161st. J. Y. Jordan Clerk, By: O. L. McLurd, Chief Deputy Clerk. D17-4tc-J7

In the District court of the United States of America for the Western District of North Carolina, Asheville Division. At Law No. 384. United States of America v. 1,705.50 acres of land in Macon County, North Carolina, C. F. Moody, et al. Notice of Action by Publication of Summons. To: Department of Conservation and Development of North Carolina; Alden Howell, Jr. and wife; Wade Marr; Ed Shepherd; B. G. Gibson and wife; Betty Wiggins; Clarcy Cloer; Wade Henry; W. A. Holbrooks; Thomas Johnson; wife of John B. Raby; W. H. Windley; Dessie Jones; wife of Willi W. Wiggins; Bessie Cloer; Iva Lee Cloer; Lilly Cloer; Catherine Davis and husband; J. M. Mason; A. E. Weaver; The Federal Land Bank of Columbia; J. M. Pitcher and wife, Vernie E; Burr E. Coburn and wife, Bertha; Boyd Sutton, Executor; Emily F. Allison and husband, O. M. Allison; Robert Brown and wife, Danie; R. Caler; Central Bank & Trust Co; G. M. Dalton and wife, Artie; Florida Investment Co; Resign Haney and husband, I. B; W. H. Higdon & Co; Leonidas S. Mitchell, Trustee; Francis Osborne and wife; — Raby, wife of A. P. Raby; Frank A. Rogers and wife; Nancy Tallent and husband, W. J; A. J. Ward and wife, Callie; Elizabeth Holbrooks; Ella Marr; W. P. Reid; Joseph Swepson Young; Agey Cloer; Althia Cloer, unknown creditors of; Martin deHart, unknown creditors of; Gracey McKinish; J. L. Dalton; Joseph Higdon; J. P. Moore; Bert Raby; James G. Raby; J. H. Raby; W. H. Silvers; Mrs. R. L. Taylor; Lillie Tranham; Woodford Zachary; J. M. Dalton; Paul A. Fuss; Elijah Raby; Reuben Beasley; Jane Owsby; Kate Cloer; Nannie Cloer; wife of W. T. Hurst; Annie Seay and husband; W. L. West and wife; Will Johnston and wife; F. W. Reuss and wife, Jennie; Nina M. Shape, widow; Mahota Sutton and husband, Boyd; American Prospecting & Mining Co; Thomas M. Angel; wife of B. M. Angel; Paul Caler and wife, Ada; G. R. Collins; Elring Realty Co., a N. Y. Corp; Firmin D. Fuzz, Trustee; Jane Higdon, wife of W. H; Michigan Mica Co; Sarah W. McCormick, wife of Hugh Malcon McCormick; — Raby, wife of James Raby; S. Sternberg and wife, Annie; Universal Liquidating Co; — West, wife of Thomas; Thomas Cloer; W. J. Cloer;

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James D. Franks; W. George — wife; Althia Cloer; Gracy Cloer; Ferby Green and husband, Silas; Elijah Shepherd; Wm. A. Enloe; W. H. Higdon; A. J. Patton; Charles A. Raby; Sallie Raby; Laura Reed; Sternberg Land Co; Bert Tranham; A. W. Tritt; Joseph Brendle; Mary Young Davis; K. F. Henry; Sam L. Rogers; J. C. Franks and wife; and all persons whomsoever who have, or claim to own any estates or interests in the fee or otherwise in and to the premises described in the petition filed in this cause and described in this notice, and any and all heirs and devisees of the several parties above named, whose names and addresses are unknown, and all and singular their heirs, husbands, wives, devisees, executors, administrators, representatives, alienees, successors and assigns, of each and every of them; and all unknown owners, lienors, or claimants, having or claiming to have, any right, title, estate, equity, interest or lien; and all occupants, lessees, users, holders and owners of and claimants to any rights or easement or prescription in, over, across, or through said lands, or any part thereof; you will please take notice that an action entitled as above has been commenced in the District Court of the United States for the Western District of North Carolina, at Asheville, N. C., that summons has been duly issued out of said Court, and petition filed therein asking for the condemnation of the lands described in the said petition and hereinafter described, that you, and each of you, are necessary parties to the just and final disposition of this action; that said action has been instituted by the United States Attorney for the Western District of North Carolina, for the purpose of appropriation and condemnation by judicial process, for the public use and benefit of the United States of America, of the lands described in said petition and herein below described under and by virtue of the provisions of the Weeks Law, Act of Congress of March 1, 1911, Chap. 186 (39 Stat. 961) Title 16, Sections 513, 521, 553, and 563 of U. S. C. A., and according to the method and procedure prescribed in the Act of Congress of August 1, 1888 (25 Statutes 357, (40 U. S. C. A., Sections 257, 258 and 258-a); that the lands proposed to be condemned and appropriated by the plaintiff United States are described substantially as follows: Tracts No. 240, 240-I, 240-II, 240-III, apparent and presumptive owners being C. F. Moody, containing according to survey, 1,405.50 acres, situated in Macon County, N. C., in Cowee and Mills Shoal Townships, on the waters of Cowee and Watauga Creeks, tributaries of Tennessee River, more particularly described by metes and bounds in Exhibit "A" and upon map or plat Exhibit "B" attached to the petition in the proceeding filed with the Clerk of the United States District Court at Asheville, N. C; Tract No. 981, apparent and presumptive owners being Coburn and Dalton, containing according to survey 124.00 acres, situated in Macon County, North Carolina, on the waters of Lake Creek, a tributary of Tennessee River, more particularly described by metes and bounds in Exhibit "A-1", and upon map or plat Exhibit "B-1", attached to the petition in this proceeding filed with the Clerk of the United States District Court at Asheville, N. C. Tracts No. 1044 and 1044-I, apparent and presumptive owners being Weaver Gilson, containing according to survey 176.00 acres, situated in Macon County, North Carolina, in Cowee Township, on the waters of Cowee Creek, a tributary of Cowee Creek, more particularly described by metes and bounds in Exhibit "A-2" and upon map or plat Exhibit "B-2" attached to the petition in this proceeding filed with the Clerk of the United States District Court at Asheville, North Carolina; you and each of you are hereby notified to be and appear at the office of the Clerk of the United States District Court for the Western District of North Carolina, in the United States Courthouse Building at Asheville, Buncombe County, N. C., not later than ten (10) days from and after the completion of service of this summons by publication for four (4) successive weeks, and answer or demur to the petition or complaint herein filed by the above named petitioner in the office of the said Clerk, and you are further notified that if you fail to appear and answer or demur to the said petition or complaint within the time specified the petitioner will apply to the Court for the relief demanded in said petition. Witness the Honorable E. Y. Webb, Judge of the District Court for the Western District of North Carolina, this the 14 day of December, 1936, and the year of our Independence the 161st. J. Y. Jordan, Clerk, By: O. L. McLurd, Deputy Clerk. D17-4tc-J7