

LEGAL NOTICES

**NOTICE OF SALE
NORTH CAROLINA,
CHEROKEE COUNTY—**

Under and by virtue of that certain Deed of Trust executed by T. W. Dockery to D. H. Tillitt, Trustee, on the 5th day of June, 1931, and recorded in the Office of the Register of Deeds for Cherokee County, North Carolina, in Book of Deeds of Trust No. 103, page 232, default having been made in the payment of the indebtedness secured thereby, and demand for foreclosure having been made upon the undersigned by the holders of said indebtedness, the undersigned Executrix of the Last Will and Testament of D. H. Tillitt, Trustee, deceased, will on Monday the 7th day of October, 1940, at 11:00 A. M., C. S. T., offer for sale to the highest bidder, for cash, the following described property:

Lying and being in Cherokee County, North Carolina, and bounded and described as follows:

Being a portion of the Fain Donation and bounded and more particularly described as follows: BEGINNING on a Pine corner of C. S. Rose's land and runs thence N. 61° W. 114 poles to a Hickory; thence N. 150° W. 77 poles to a Chestnut and stake; thence N. 61° W. 100 poles to a Hickory and stake passing a large White Oak on the ridge at 72 poles; thence S. 28° W. 100 poles, more or less, to a rock on a branch; thence S. with the meanders of the branch to the Henson Donation line; thence E. 150 poles with Donation line to the BEGINNING.

Containing 149 acres, more or less. For further description see deed from W. F. Roberts, et ux to Thos. W. Dockery, dated 8-5-1901, and recorded in Book No. 33, page 488, records of Cherokee County, N. C. This 7th day of September, 1940.

Rosa Judson Rodgers Tillitt, Executrix of the Last Will and Testament of D. H. Tillitt, Trustee, deceased. (8-4t)

PUBLISHER'S SWORN STATEMENT

**NORTH CAROLINA,
CHEROKEE COUNTY.**

In the matter of the qualification of The Cherokee Scout (Newspaper) under chapter 170, public laws of North Carolina 1939.

To the Clerk of the Superior Court: In conformation with the provision of chapter one hundred seventy (170) of the Public Laws of North Carolina, 1939 (1939 code, section 2586 (a) et seq). The Cherokee Scout (newspaper), published at Murphy, N. C. (post office address) by Victor C. Olmsted (publisher) hereby files the following sworn statement:

Victor C. Olmsted, being first duly sworn, states that he is the Publisher of the Cherokee Scout (newspaper) and is duly authorized to make this sworn statement; that the said newspaper is a newspaper with a general circulation to actual paid subscribers; that said newspaper has been and is admitted to the United States mails as second class matter at Murphy in the County of Cherokee; that the said newspaper has been regularly and continuously issued in the said county at least one day in each calendar week for at least twenty-five of the twenty six weeks immediately preceding the date of this sworn statement; that the said newspaper is a newspaper meeting the qualifications prescribed by chapter 170, Public Laws of North Carolina, 1939.

This the 13 day of September, 1940 Sworn to and subscribed before me this 13 day of September, 1940

Duly filed with the clerk of Superior Court of Cherokee County, North Carolina, this 13 day of September, 1940.

JOHN DONLEY, Clerk of Superior Court.

**NOTICE OF SALE OF LAND
NORTH CAROLINA,
CHEROKEE COUNTY,
IN THE SUPERIOR COURT,
NO. 1497.**

Cherokee County, Plaintiff,
Vs
R. H. Flowers, and wife, Mrs. R. H. Flowers, and all persons claiming any interest in the lands involved in this action. Defendants.

By virtue of an order and decree entered in the above entitled cause of action by the Clerk of the Superior Court for Cherokee County, on September 16 1940, ordering

and decreeing that the undersigned E. B. Norvell, Commissioner, sell the lands hereinafter described to satisfy the demands of plaintiff, I. E. B. Norvell, Commissioner, will on Monday the 21st day of October 1940, at 10 o'clock A. M. Central Standard Time, offer for sale and sell at public outcry, at the courthouse door in Murphy, the following piece and parcel of land lying in Valletown Township, Cherokee County, containing one acre, it being the same piece and parcel of land conveyed to R. H. Flowers by Linda Holland, as set forth in a deed registered in office of Register of Deeds for Cherokee County, in Deed Book No. 87, page 468, being part of tracts Nos. 98 and 99, beginning on a stake on the East line of Holland Creek, and runs East 102 feet to a stake on the West side of the road that leads—

Cresman House; thence Northwesterly with said road to the line of W. M. Newman; thence South with said—to the creek; thence down the creek to the beginning, containing one acre more or less.

Terms of sale cash. Sale subject to be confirmed by the court.

This Sept. 18th 1940.
E. B. Norvell, Commissioner.
(9-4t-ebn)

In the District Court of the United States of America for the Western District of North Carolina, Asheville Division, Civil No. 192, United States of America v. 128.3 acres, more or less of land in Cherokee County, North Carolina, O. C. Davis, J. Frank Cooper, et al. Notice of Action by Publication of Summons: To: Nathan (N. E.) Dockery; T. W. Dockery; Jasper L. Fain; Florence Fain Harshaw; Allen Hembree and Johnnie Hembree; Manie E. Owenby and George O. Owenby; Bryant, Maureen and husband, Herman Bryant, possible adverse claimants, Petersburg, Indiana; Fannie Butt and husband William Butt, possible adverse claimants, Blue Ridge, Georgia; Cooper, J. Frank and wife, Estelle Cooper, proponents, 2240 1/2 Whitaker St., Savannah, Georgia; Crowell, Helen Frances Fain (widow) possible adverse claimant, Atlanta, Georgia; Dunlap, Carolina Fain (widow) possible adverse claimant, Atlanta, Georgia; Fain, Carolina, single, possible adverse claimant, Atlanta, Georgia; Fain, Dorothy Elizabeth, single, possible adverse claimant, Atlanta, Ga; Fain, Eloise, single, possible adverse claimant, Greenville, S. C.; Fain, Florence L., single, possible adverse claimant, Atlanta, Georgia; Fain, Harry A. and wife, Jessie Fain, possible adverse claimants, Chattanooga, Tennessee; Fain, Henry Gower, single, possible adverse claimant, Atlanta, Ga; Fain, John M., possible adverse claimant, Greenville, S. C.; Fain, Mary Lucy, single, possible adverse claimant, Atlanta, Georgia; Fain, Robert Parks, single, possible adverse claimant, Atlanta, Georgia; Fain, Sara Frances, single, possible adverse claimant, Atlanta, Georgia; Fain, Mrs. William Alva (widow) possible adverse claimants, Gordon St., Atlanta, Georgia; Grady, Louise Fain and husband, Grady, possible adverse claimants, Philadelphia, Pennsylvania; Hembree, Pinky and wife, Mrs. Pinky Hembree, possible adverse claimants and adjoining owners, Knoxville, Tennessee; McTaggart, Inez and husband, Z. R. McTaggart, possible adverse claimants and adjoining owners, 714 Union Avenue, Knoxville, Tenn; Sneed, R. L. (widower), possible adverse claimant and adjoining owner, Route 4, Bakersfield, California; Stringer, Susan Kathleen and husband, Stringer, possible adverse claimants, Greenville, S. C.; Sword, T. J. and wife, Nannie A. Sword, adjoining owners, Adell, Georgia; Umphres, (Humphreys), Ibbie and husband, J. H. (Howe) Umphries (Humphreys) possible adverse claimants and adjoining owners, Delano, Polk County, Tennessee; Wooten, Virginia Fain and husband, James Clements Wooten, possible adverse claimants, Atlanta, Georgia; Brown, Mary H., single, proponent, Maddisonville, Tennessee; Carter, G. B.; Cooper, G. P.; Cornwell, James; Cornwell, William; Deweese, Jake; Trustee for J. R. Taylor; Fain, William Mercer; Humphreys, (Humphris) Umphres, James; Hyatt, R. H. and wife, Ida M. Hyatt; James Hattie Sneed and husband, Efton James; Johnson, V. Q.; McDonald, J. L., and wife, Geminee (Jammima) McDonald; Sneed, Bettie; Sneed, Charlie and wife,

Mary Jane Sneed; Sneed, Ella; Sneed, George W. and wife, Synthia Sneed; Sneed Jonas and wife, Vienna Sneed; Sneed, J. Monroe and wife, Mollie Sneed; Sneed, Myrtle; Sneed, Stella; Sneed, Wilburn M. and wife, Phoebe James Sneed; Taylor, Campbell, Sr. and wife, Elizabeth Taylor; Taylor Campbell, Jr.; Taylor Elizabeth; Taylor J. R. Taylor, James R.; Woodbury, U. A. and wife, Pauline Woodbury; Alexander, James; Carroll, America; Carroll, Coon; Dockery, Ella; Fain, M.; Hembree, Mollie Sneed; Lovingood, Callie; Ramsour, A. A.; Sneed, Ben M.; Sneed, Harve; Sneed, I. F. (Isaac F.); Sneed, Jane; Sneed, M. P.; Sneed, Marion J.; Taylor, Campbell; Anderson, Mary and husband, John A. Anderson; Appalachian Land and Lumber Company, a North Carolina Corporation; Cherokee Land Company; Cherokee Land and Lumber Company, a North Carolina corporation; Dacus, Mary (M. E.) and husband, Pat Dacus; Hammond, Mary C.; Hammond, W. C.; Hammond, W. J.; Jones, O. F. and wife, Fanny W. Jones; Ramsour, Anna and husband, Daniel A. Ramsour; Hammond, Wm. H.; 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, alinees, successors and assigns, of each and every of them; and all unknown owners, leinors, or claimants, having, or claiming to have, any right, title, estate, equity, interest or lein; and all occupants, lessees, users, holders and owners of and claimants to any rights of 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 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 the 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 Lay, Act of Congress of March 1, 1911, Chap. 186 (36 Stat. 961) Title 16, Sections 513, 521, 553, and 563 of U. S. C. A., and according to the methods and procedure prescribed in the Act of Congress of August 1, 1888 (25 Statutes 357 (30 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. 789, apparent and presumptive owner being O. C. Davis & J. Frank Cooper, containing according to survey 113.9 acres, situated in Cherokee County, N. C., on the waters of Grape Creek, a tributary of Hiwassee River, more particularly described by metes and bounds in Exhibit "A", and upon map or plat Exhibit "B", attached to the petition is this proceeding filed with the Clerk of the United States District Court at Asheville, N. C.; Tracts No. 1008-I, 1008-II, apparent and presumptive owner being Mamie E. Owenby, containing according to survey 14.4 acres, situated in Cherokee County, N. C., on the waters of Shuler Creek, more particularly described in 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.; 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 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 19th day of September, 1940. J. Y. Jordan, Clerk. By: W. A. Lytle; Deputy Clerk. (10-4t)

NOTICE OF COMMISSIONER'S SALE OF LAND UNDER ORDER OF THE COURT

**NORTH CAROLINA,
CHEROKEE COUNTY.**

Notice is hereby given that the undersigned commissioner of the Court, pursuant to an order and judgment of the Superior Court of Cherokee County, North Carolina, entered at the June term, 1940 of the Superior Court of said County, in a case entitled Hattie L. Waldroup vs. Harlan Enloe and wife, Louise Enloe and George Porter, will offer for sale and will sell to the highest bidder for cash at the Court house door in Murphy, North Carolina at 12 o'clock noon on Monday the 28th day of October, 1940, the following described land and real estate, to-wit:

A tract of land in the town of Andrews, North Carolina, containing about five acres, known as the home place of the late J. W. Porter being the land described in a deed dated the 11th day of January, 1933, made by J. W. Porter and wife, Flora Porter to R. M. Waldroup and wife, Hattie L. Waldroup; said deed being recorded in the office of the Register of Deeds of Cherokee County, N. C., in Deed Book No. 107, at page 3.

This sale is made pursuant to an order of the Superior Court of Cherokee County above referred to and for the purpose of satisfying an indebtedness due Hattie L. Waldroup in the sum of \$2,770.93 with interest at 6% from June 20, 1940.

This the 21st day of September, 1940.

C. E. HYDE, Commissioner of the Court. (10-4t-chg.ceb)

NOTICE OF SUMMONS

**NORTH CAROLINA,
CHEROKEE COUNTY,
IN THE SUPERIOR COURT,
Cherokee County**

VS.
E. McS. Hyde and wife, Mrs. E. McS. Hyde.

The above named defendants, E. McS. Hyde and wife, Mrs. McS. Hyde, and their successors in title, if any, will take notice that an action entitled as above has been instituted by the plaintiff for the purpose of foreclosing tax liens for the years 1932 to 1939, inclusive, which said taxes are a lein upon those certain lands in Shoal Creek Township, Cherokee County, North Carolina, and described as follows:

Being that certain tract of land conveyed to E. McS. Hyde by E. H. Berong and wife, Lizzie Berong, by deed dated October 23, 1926, recorded in the office of the Register of Deeds for Cherokee County, North Carolina, in Book No. 89, at page 415, said tract of land containing Eighty (80) acres, more or less, and

Being part of Lot No. 89, in District No. 8, adjoining the lands of Roscoe Danner, John Pickleseimer, Renzy Coleman, and others.

And said defendants will take notice that they are required to appear before the Clerk of the Superior Court of Cherokee County, North Carolina, at his office in Murphy, North Carolina, on the 21st day of October, 1940, or within twenty (20) days thereafter and answer or demur to the complaint, or the plaintiff will apply to the Court for the relief demanded in the complaint.

This the 20th day of September, 1940.

J. W. DONLEY, Clerk Superior Court. (10-4t-chg)

NOTICE OF SUMMONS

**NORTH CAROLINA,
CHEROKEE COUNTY,
IN THE SUPERIOR COURT,
Cherokee County**

Vs.
The unknown widow, heirs, devi-

sees or successors in title of J. W. Alvarez.

The above named defendants, the Unknown Widow, if any, Heirs, Devisees, Executors, Administrators, Assignees, and Successors in Title of J. W. Alvarez, will take notice that an action entitled as above has been instituted by the plaintiff for the purpose of foreclosing tax liens for the years of 1933 to 1939, inclusive, which said taxes are a lein upon those certain lands in Murphy Township, Cherokee County, North Carolina, and described as follows:

Those certain lands conveyed to J. W. Alvarez by M. B. Dockery and wife, by deed dated March 1, 1929, recorded in Book 97, page 219.

Also, an undivided one-half (1/2) interest in and to those certain lands conveyed to J. W. Alvarez and D. E. Tucker by J. W. Woody and wife, by deed dated September 27, 1929, recorded in Book 98, page 324, reference to which records in the Office of the Register of Deeds for Cherokee County, North Carolina, is made for fuller particulars and description.

And said defendants will take notice that they are required to appear before the Clerk of Superior Court of Cherokee County, North Carolina, at his office in Murphy, North Carolina, on the 21st day of October, 1940, or within twenty (20) days thereafter and answer or demur to the complaint, or the plaintiff will apply to the court for the relief demanded in the complaint.

This the 20th day of September, 1940.

J. W. DONLEY, Clerk Superior Court. (10-4t-chg)

NOTICE OF SALE

Under and by virtue of a judgment of the Superior Court of Cherokee County, made in an action entitled "Cherokee County vs. I. W. Kearns, et als", foreclosing the lien of certain taxes due Cherokee County and condemning the lands hereinafter described to be sold for the satisfaction thereof, the undersigned Commissioner will, on Monday October 7th, 1940, at 11:00 A. M., C. S. T., at the Courthouse door in Murphy, N. C., offer for sale, to the highest bidder for cash, that certain tract of land lying and being in Valletown Township, Cherokee County, N. C., adjoining the lands of Luther McKinney and others, and more particularly described as follows:

BEGINNING on a Maple a corner of Luther McCaig's (McKinney's) lot and runs West with said line 151 feet to a stake; thence North 3 1-2 West, 120 feet to C. M. Slagle's line; thence with said line East 151 feet to a large poplar stump on the bank of a branch; thence up the said branch with its meanders to the BEGINNING.

Containing ONE-HALF ACRE, more or less.

And being the same lands conveyed to I. W. Kearns by C. H. Almond and wife, Beckie Almond, by deed dated August 11, 1919, same being recorded in the Office of the Register of Deeds for Cherokee County, N. C., in Deed Book 73, page 194, reference to which is hereby made for more complete description of said lands.

This the 7th day of September, 1940.

C. E. HYDE, Commissioner. (8-4t)

EXECUTOR'S NOTICE

Having qualified as the executor of the estate of Mrs. R. H. Mingus, deceased, late of Cherokee County, North Carolina, this is to notify all persons having claims against the estate of said deceased to exhibit them to the undersigned at Murphy, North Carolina, on or before the 30th day of August, 1941, or this notice will be pleaded in bar of their recovery. All persons indebted to said estate will please make immediate payment.

This the 30th day of August, 1940.
A. J. RAMSEY, Executor of Mrs. R. H. Mingus. (6-6t-cg)

