

J. M. Elliott and wife, Laura Elliott, and each acknowledged the due execution of the foregoing and attached instrument as their free act and deed for the purposes therein expressed; and the said Laura Elliott 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.

Witness my hand and Notarial Seal, this the 10th day of November, 1925.

(N. P. Seal)

J. W. Walker
Notary Public

My Comm. Ex. 6/23/1927

NORTH CAROLINA,
CHEROKEE COUNTY.

The foregoing certificate of J. W. Walker, a Notary Public in and for the County of Cherokee and State of North Carolina duly attested by his Notarial Seal, is adjudged to be correct and sufficient. Let the instrument, with the certificates, be registered.

Witness my hand, this the 23rd day of November, 1925.

E. E. Davis
Clerk Superior Court.

Filed for registration on the 23rd day of Nov. 1925, at 8 o'clock A. M., and registered in the office of the Register of Deeds for Cherokee County, in Book No. 88 of Deeds, ^{page 551,} this the 24th day of November, 1925.

A. M. Linn
Register of Deeds.

STATE OF NORTH CAROLINA
COUNTY OF CHEROKEE.

This Indenture made and entered into the first day of September, 1925, by and between Tarheel Investment Company, a corporation created, organized and existing under the laws of the State of North Carolina, party of the first part, and the Town of Murphy, a Municipal corporation of Cherokee County, North Carolina, party of the second part, Witnesseth:

Whereas, in the year 1836 the military authorities of the United States under the command of General John E. Wool established headquarters near the mouth of Valley River, at that time known as Huntington, now in Cherokee County, for the purpose of carrying into effect the provisions of the treaty of New Echota, entered into in the year 1835 between the Cherokee Nation and the United

States, and which provided for the emigration of the Cherokee Indians west of the Mississippi River;

And Whereas, in the year 1838, the said authorities of the United States under the command of General Winfield Scott erected upon the land hereinafter described and conveyed a military post known as Fort Butler, named, it is said, in honor of Honorable B. F. Butler, Secretary of War ad interim in the cabinet of Andrew Jackson, President of the United States;

And Whereas, upon the organization of Cherokee County in the year 1839, the buildings of Fort Butler were used for about two years for a court house and for the public offices of the said County of Cherokee, the first court being held there in on the 19th day of March 1839;

And whereas, the party of the first part, and its officers and stockholders, are interested in the present and future well being and happiness of the inhabitants of the Town of Murphy and all persons coming into their midst, and desire to erect a perpetual memorial by dedication of the site of Fort Butler for the purpose of a public park and historical monument.

Now therefore, in consideration of the premises and the sum of One Dollar paid to the party of the first part by the party of the second part, the said Tarheel Investment Company has bargained and sold, and by these presents do hereby bargain, sell and convey unto the Town of Murphy, a Municipal corporation, and its successors and assigns, in trust for the uses and purposes hereinafter set out, the following tract or parcel of land, part of the four hundred acre tract upon which the Town of Murphy was originally located by the General Assembly of North Carolina, and being the site upon which the buildings and fortifications of Fort Butler were located, viz:

Beginning on a stake in the margin of a new street to be called Fort Butler Avenue, which said stake is S. 81 degrees 30 minutes West one Hundred and fifty five feet from the South West corner of Lot No 52 of the Hitchcock Subdivision, as laid down on plat of said subdivision registered in the office of the Register of Deeds of Cherokee County, in Plat Book No. 1, at page 23, and runs thence with the margin of Fort Butler Avenue S. 81 degrees and 30 minutes West two hundred feet to a stake; thence N. 38 degrees 20 minutes West two hundred feet to a stake; thence N. 81 degrees 30 minutes East two hundred feet to a stake; thence S. 38 degrees and 20 minutes East two hundred feet to the beginning.

To have and to hold the said land, and all rights, privileges and appurtenances thereunto belonging or in anyway appertaining, unto the said Town of Murphy, a Municipal corporation, and its successors and assigns, in fee simple forever, in trust, however, for the following uses and purposes:

The Town of Murphy, and its successors and assigns, shall hold title to the said tract or parcel of land in trust for public park purposes, for the benefit of the inhabitants of the Town of Murphy and such other persons who shall be with-

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in their midst, and as a historical monument, and shall keep the said lot of ground in presentable condition, open to the use of the public at all times, subject to the reasonable regulation of the Town of Murphy and its successors, and should the Town of Murphy, or its successors and assigns, abandon the use of said property for the aforesaid described purposes, then the title thereto shall revert and become revested in the party of the first part, its successors and assigns.

In Testimony Whereof, the party of the first part has caused this deed to be signed in its name by its President, and attested by its Secretary, and its common seal to be hereto affixed, the day and year first above written.

(Corporation Seal)

TARHEEL INVESTMENT COMPANY

W. M. Brown
Secretary.

BY S. Westray Battle
PRESIDENT

STATE OF NORTH CAROLINA

County of Buncombe.

This the 14th day of September, 1925, personally came before me Haywood Parker, a Notary Public of Buncombe County, North Carolina, S. Westray Battle who being by me duly sworn says that he is President of Tarheel Investment Company and that the seal affixed to the foregoing instrument in writing is the corporate seal of said company, and that said writing was signed and sealed by him in behalf of said corporation by its authority duly given, And the said S. Westray Battle acknowledged the said writing to be the act and deed of said corporation.

(N. P. Seal.)

Haywood Parker
Notary Public, Buncombe County,
North Carolina.

My Commission Expires
Oct. 29, 1925.

NORTH CAROLINA

CHEROKEE COUNTY.

The foregoing certificate of Haywood Parker a Notary Public of Buncombe County, North Carolina, attested by official seal is adjudged to be in due form and correct. Let the foregoing deed, together with the certificates, be registered. This 21st day of November, 1925.

J. E. Keener
Deputy Clerk of the Superior
Court, Cherokee County.

Filed for registration on the 21 day of Nov. 1925, at 4 o'clock P. M.
and registered in the office of the Register of Deeds for Cherokee County, in
Book No. 83 of deeds, page 552, this 24th day of November, 1925.

L. M. Simonds
Register of Deeds.