



STATE OF NORTH CAROLINA
DEPARTMENT OF JUSTICE
DEPARTMENT OF ADMINISTRATION DIVISION
RALEIGH

THOMAS WADE BRUTON
ATTORNEY GENERAL

MAY 11 1961
STATE PARKS
CHARLES D. BARHAM, JR.
PARKS ICENHOUR
REAL PROPERTY ATTORNEYS

May 9, 1961

Mr. Thomas W. Morse
Superintendent State Parks
Department of Conservation and Development
Raleigh, North Carolina

Re: Bear Island property

Dear Mr. Morse:

We are enclosing a conformed copy of each of the four quitclaim deeds in the matter of the condemnation of 701 acres of land known as Bear Island, Swansboro Township, Onslow County. You may have some need for these copies in your files.

As you know, final judgment in the condemnation action was entered on April 1, 1961.

With kindest regards.

Very truly yours,

T. W. BRUTON
Attorney General

Charles D. Barham
Charles D. Barham

CDB/r

NORTH CAROLINA:

ONSWLOW COUNTY:

THIS DEED, Made and entered into this the 31st day of May, 1960, by and between Josephine W. Sharpe, widow of William Sharpe, deceased, of Pinellas County, State of Florida, and The North Carolina Department of Conservation and Development, of the State of North Carolina, party of the second part;

W I T N E S S E T H:

THAT WHEREAS, said North Carolina Department of Conservation and Development has filed a Petition with the Clerk of the Superior Court of Onslow County for the condemnation of certain property in Onslow County known as Bear Island, together with a small lot or parcel of land on the mainland, all of which property is to be condemned for State Park purposes;

AND WHEREAS Doctor William Sharpe, the deceased husband of the party of the first part, was anxious that said property become a State Park and had carried on negotiations prior to his decease with said State of North Carolina to that end;

AND WHEREAS the said property had been conveyed to the Hammocks Beach Corporation by said Doctor William Sharpe and the party of the first prior to his decease, which Deed contained certain restrictions and reservations;

AND WHEREAS the Attorneys for the State of North Carolina are of the opinion that because of said restrictions and reservations contained in the Deed it is not possible to obtain a fee simple title to said property except through condemnation proceedings;

AND WHEREAS the party of the first part is willing to convey any and all right, title and interest which she may now or hereafter have in and to said property by reason of the matters and things above set out;

NOW, THEREFORE, the party of the first part, for and in consideration of the premises and of the sum of Ten (\$10.00) Dollars and other considerations to her in hand paid, the receipt of which is hereby acknowledged,

siderations to them in hand paid, the receipt of which is hereby acknowledged, have remised and released and by these presents do remise, release and forever quitclaim unto the party of the second part, its successors and assigns, all right, title, claim and interest of said parties of the first part in and to those certain tracts or parcels of land lying and being in Swansboro Township, Onslow County, State of North Carolina, and more particularly described as follows:

FIRST TRACT: BEGINNING at a point which is north 64 degrees 55 minutes west 479.6 feet from U. S. G. and G. S. Triangulation Monument near Queens Creek, thence south 11 degrees 13 minutes east 213 feet to the high water line of Queens Creek, thence along said high water line south 76 degrees 39 minutes west 350.2 feet, thence leaving Queens Creek north 11 degrees 13 minutes west 226 feet to a point, thence north 78 degrees 45 minutes east 350 feet to the point of beginning, containing 1.76 acres, and being a portion of that tract of land conveyed by John F. Murrill et als to Missouri A. Smith as will appear from deed recorded in Book 48, at page 428, and by A. C. Huggins, Commissioner, to Missouri A. Smith, as will appear in Book 48, at page 364, and from S. A. Sturling, Commissioner, to P. B. Smith, as will appear from Deed recorded in Book 103, at page 88, known as the Hemsocks.

SECOND TRACT: A tract of land containing 145 acres, more or less, lying and being in the County of Onslow, on the eastward end of Bear Banks, adjoining the lands of Nevi Newbold, BEGINNING at a Shell Road on the south side of Boat Creek; thence south to Newbold's corner, a holly, and passing said holly, still south 195 poles with Newbold's line to the beach, thence along the Sea Shore N. 39 east 160 poles to the mouth of White Oak River; thence up said river to the mouth of Boat Creek; thence up Boat Creek to the BEGINNING.

THIRD TRACT: ADJOINING the lands of E. D. Heady and others and known as the Levi Newbold patent containing 100 acres, more or less, and being the same tract of land granted by the State of North Carolina to Levi Newbold, recorded in Grant Book No. 2 at page 89, Registry of Deeds of Onslow County.

FOURTH TRACT: BEGINNING at the southwest corner of the H. D. Heady patent at a stake on the seashore and runs along said patent line north 3 degrees east 46 poles to a stake in said line; thence south 76 degrees west 120 poles to a stake; thence south 3 degrees west 46 poles to the seashore; thence north 76 east 120 poles to the BEGINNING, Being the land granted to Tucker H. Heady by the State of North Carolina, containing 35 acres. See "Record of Land Grants", page 103, Registry of Deeds of Onslow County.

FIFTH TRACT: BEGINNING at northwest corner of Abram Meadows patent on the Banks Channel and runs with said patent line south 30 degrees east 80 poles to the seashore; thence along the seashore south 63 degrees west 200 poles; thence north 30 degrees 80 poles to the Banks Channel and with said Channel to the BEGINNING, containing 100 acres. See grant from State of North Carolina to John Riggs, Grant Book 2 at page 210, Registry of Deeds of Onslow County.

SIXTH TRACT: LYING on Bear Banks, BEGINNING at the northwest corner of John Riggs patent on the Banks Channel and runs with said patent line south 30 degrees east 80 poles to the seashore; thence along the seashore south 63 degrees west 160 poles to Bear Inlet; thence with the Sound or Banks Channel to the BEGINNING, containing 65 acres. See Grant from State of North Carolina to Aea Riggs, in Grant Book 2, at page 212, Registry of Deeds of Onslow County.

SEVENTH TRACT: BEGINNING at the northwest corner of John Riggs patent on the Banks Channel and runs with said patent line south 30 degrees east 80 poles to the seashore; thence along the seashore south 63 degrees west 10 poles to Bear Inlet; thence with the sound or Banks Channel to the

EIGHTH TRACT: BEGINNING at Levi Newbold's southeast corner; thence south 54 west 200 poles near a Duck Pond; thence north 30 west 80 poles to the Banks Channel; thence along the Channel south 54 east 200 poles to said Newbold's corner; thence along his line south 30 east 80 poles to the BEGINNING, reference to Grant Book # 2, page 62.

FIFTH TRACT: LYING and being in Swansboro Township, Onslow County, North Carolina, adjoining the lands of Abram Meadows and others, and being the same tract of land granted by the State of North Carolina to Levi Newbold, recorded in Grant Book Number 2, page 89, Registry of Deeds of Onslow County.

The last eight tracts described above together constitute and make up what is known as "Bear Island," which island extends from Bear Inlet on the South to Bogus Inlet on the North, bounded on the East by the Atlantic Ocean and on the West by the sound and/or the inland waterway, all in Onslow County, North Carolina. The first tract described above consists of approximately one and seventy-six one hundredths acres of the mainland, which will be used as a Ferry landing and for other purposes related to and in support of the State Park which will be opened and operated by the Petitioner on said "Bear Island."

TO HAVE AND TO HOLD the aforesaid tracts or parcels of land, and all privileges and appurtenances thereto belonging, to it, the said party of the second part, and its successors and assigns, free and discharged from all right, title, claim or interest of the said party of the first part or anyone claiming by, through or under her.

IN TESTIMONY WHEREOF, the said party of the first part has hereunto set her hand and seal the day and year first above written.

Josephine W. Sharpe (SEAL)

STATE OF FLORIDA:
New York
COUNTY OF PINELLAS:

I, *Wm. Mitchell Wines*, a Notary Public, do hereby certify that Josephine W. Sharpe, widow, personally appeared before me this day and acknowledged the due execution of the annexed Deed of Quitclaim.

Witness my hand and notarial seal, this 31st day of May, 1960.

Wm. Mitchell Wines (SEAL)
NOTARY PUBLIC

My commission expires: 3/31/62

*Recorded in Book 298,
at Page 257
2/2/61*

NORTH CAROLINA:

ONSLow COUNTY:

THIS DEED, Made and entered into this the 18th day of July, 1960, by and between the Hammocks Beach Corporation, Inc., a Corporation of the State of North Carolina with principal office in the City of Raleigh, North Carolina, party of the first part, and The North Carolina Department of Conservation & Development, of the State of North Carolina, party of the second part;

W I T N E S S E T H

THAT WHEREAS, said North Carolina Department of Conservation & Development has filed a Petition with the Clerk of the Superior Court of Onslow County for the condemnation of certain property in Onslow County known as Bear Island, together with a small lot or parcel of land on the mainland, all of which property is to be condemned for State Park purposes ;

AND WHEREAS, Doctor William Sharpe formerly owned all of said property but was anxious that the same become a State Park and had carried on negotiations prior to his decease with said State of North Carolina to that end;

AND WHEREAS, the said property had been conveyed to Hammocks Beach Corporation, Inc. by said Doctor William Sharpe and wife, Josephine W. Sharpe, prior to the decease of said Doctor William Sharpe, which Deed contained certain restrictions and reservations;

AND WHEREAS, the attorneys for the State of North Carolina are of the opinion that because of said restrictions and reservations contained in the Deed it is not possible to obtain a fee simple title to said property except through condemnation proceedings;

AND WHEREAS, the party of the first part is anxious that said property be made a State Park and is willing to convey any and all right, title and interest which it may now or hereafter have in and to said property by reason of the matters and things above set out;

NOW, THEREFORE, the party of the first part, for and in consideration of the premises and of the sum of Ten (\$10.00) Dollars and other considerations to it in hand paid, the receipt of which is hereby acknowledged,

have received and released and by these presents do receive, release and forever quitclaim unto the party of the second part, its successors and assigns, all right, title, claim and interest of said parties of the first part in and to those certain tracts or parcels of land lying and being in Seashore Township, Onslow County, State of North Carolina, and more particularly described as follows:

FIRST TRACT: BEGINNING at a point which is north 64 degrees 55 minutes west 479.6 feet from U. S. C. and G. S. Triangulation Monument near Queens Creek, thence south 11 degrees 13 minutes east 213 feet to the high water line of Queens Creek, thence along said high water line south 76 degrees 39 minutes west 390.2 feet, thence leaving Queens Creek north 11 degrees 13 minutes west 226 feet to a point, thence north 78 degrees 45 minutes east 350 feet to the point of beginning, containing 1.76 acres, and being a portion of that tract of land conveyed by John F. Merrill et al to Missouri A. Smith as will appear from deed recorded in Book 48, at page 428, and by A. C. Huggins, Commissioner, to Missouri A. Smith, as will appear in Book 48, at page 364, and from S. A. Sterling, Commissioner, to F. R. Smith, as will appear from Deed recorded in Book 103, at page 68, known as the Hummocks.

SECOND TRACT: A tract of land containing 145 acres, more or less, lying and being in the County of Onslow, on the eastward end of Bear Banks, adjoining the lands of Levi Newbold, BEGINNING at a Shell Road on the south side of Boat Creek; thence south to Newbold's corner, a holly, and passing said holly, still south 195 poles with Newbold's line to the beach, thence along the sea shore N. 39 east 160 poles to the south of White Oak River; thence by said river to the south of Boat Creek; thence up Boat Creek to the BEGINNING.

THIRD TRACT: ADJOINING the lands of H. D. Heady and others and known as the Levi Newbold patent containing 100 acres, more or less, and being the same tract of land granted by the State of North Carolina to Levi Newbold, recorded in Grant Book No. 2 at page 69, Registry of Deeds of Onslow County.

FOURTH TRACT: BEGINNING at the southwest corner of the H. D. Heady patent at a stake on the seashore and runs along said patent line north 3 degrees east 46 poles to a stake in said line; thence south 76 degrees west 120 poles to a stake; thence south 3 degrees west 46 poles to the seashore; thence north 76 east 180 poles to the BEGINNING, being the land granted to Hecker H. Heady by the State of North Carolina, containing 35 acres. See "Record of Land Grants", page 103, Registry of Deeds of Onslow County.

FIFTH TRACT: BEGINNING at northwest corner of Abram Mendenhall patent on the Banks Channel and runs with said patent line south 30 degrees east 80 poles to the seashore; thence along the seashore south 63 degrees west 200 poles; thence north 39 degrees 80 poles to the Banks Channel and with said Channel to the BEGINNING, containing 100 acres. See grant from State of North Carolina to John Riggs, Grant Book 2 at page 210, Registry of Deeds of Onslow County.

SIXTH TRACT: LYING on Bear Banks, BEGINNING at the northwest corner of John Riggs patent on the Banks Channel and runs with said patent line south 30 degrees east 80 poles to the seashore; thence along the seashore south 63 degrees west 160 poles to Bear Inlet; thence with the Sound or Banks Channel to the BEGINNING, containing 65 acres. See Grant from State of North Carolina to John Riggs, in Grant Book 2, at page 212, Registry of Deeds of Onslow County.

SEVENTH TRACT: BEGINNING at the northwest corner of John Riggs patent on the Banks Channel and runs with said patent line south 30 degrees east 80 poles to the seashore; thence along the seashore south 63 degrees west 10 poles to Bear Inlet; thence with the sound or Banks Channel to the

BEGINNING, containing 65 acres. See grant from State of North Carolina to Asa Riggs in Grant Book 2 at page 212, Registry of Deeds of Onslow County.

EIGHTH TRACT: BEGINNING at Levi Newbold's southeast corner; thence south 54 west 200 poles near a Duck Pond; thence north 30 west 80 poles to the Banks Channel; thence along the Channel south 54 east 200 poles to said Newbold's corner; thence along his line south 30 east 80 poles to the BEGINNING, reference to Grant Book # 2, page 62.

NINTH TRACT: Lying and being in Swansboro Township, Onslow County, North Carolina, adjoining the lands of Abram Meadows and others, and being the same tract of land granted by the State of North Carolina to Levi Newbold recorded in Grant Book Number 2, page 89, Registry of Deeds of Onslow County.

The last eight tracts described above together constitute and make up what is known as "Bear Island," which island extends from Bear Inlet on the South to Eogue Inlet on the North, bounded on the East by the Atlantic Ocean and on the West by the sound and/or the inland waterway, all in Onslow County, North Carolina. The first tract described above consists of approximately one and seventy-six one hundredths acres of the mainland, which will be used as a Ferry landing and for other purposes related to and in support of the State Park which will be opened and operated by the Petitioner on said "Bear Island."

TO HAVE AND TO HOLD the aforesaid tracts or parcels of land, and all privileges and appurtenances thereto belonging, to it, the said party of the second part, and its successors and assigns, free and discharged from all right, title, claim or interest of the said party of the first part or anyone claiming by, through or under it.

IN TESTIMONY WHEREOF, the said party of the first part has caused this Deed to be executed in its name by its President and attested by its Secretary, under its corporate seal, by authority of its Board of Directors as of the day and year first above written.

HAMMOCKS BEACH CORPORATION, INC.

By: *Rudolph Jones*
President

ATTEST:

Belle D. McCullie
Secretary

STATE OF NORTH CAROLINA:
COUNTY OF *Currituck* :

I, *Alice Cecile Edwards*, a Notary Public of *Currituck* County, North Carolina, certify that *Belle D. McCullie*, Secretary of Hammocks Beach Corporation, Inc., personally appeared before me, and being duly sworn, stated that in his presence Rudolph Jones, President of Hammocks Beach Corporation, Inc., signed the foregoing instrument for and in the name of said Corporation.

Witness my hand and official seal, this the *18* day of *July* 1960.

Alice Cecile Edwards
NOTARY PUBLIC

My commission expires: *March 28, 1961*

*Recorded in
Book 398,
Page 253
3/2/61*