

346 Barbee Road
Richlands, N. C. 28574
January 18, 1993

Mr. Marshall F. Dotson, Jr.
Attorney at Law
Post Office Box 766
Jacksonville, N. C. 28540

Dear Mr. Dotson:

This is to acknowledge receipt of your letter dated November 23, 1992 (Post marked December 1, 1992) and copies of correspondence between you and Mr. John Martin, representing Quinnie J. Hill. The copy of Mr. Martin's letter to you dated November 11, 1992 contained enclosures referred to as:

1. A copy of a plat prepared by Joey Brochure illustrating the boundary lines as contended by Quinnie J. Hill.
2. A copy of pertinent deeds relied on by Mr. Brochure.

Although I do not understand why 2 of the 3 deeds were considered pertinent and relied upon by Mr. Brochure in preparing the plat, I suppose the reference made to the Furney Jarman Mill road as it appears in the deed of B. B. Barbee and wife Ida and the reference made to the Furney Jarman Mill Pond as it appears in the deed of C. G. Barbee were considered pertinent to Mr. Brochure. Assuming these references may have been considered, I will attempt to set out my reasoning in the matter and show the locations of the properties referred to in the 2 deeds and also the location of the Quinnie J. Hill property and the Bessie Barbee property. In order to illustrate and more clearly show the locations of the properties and that you may better understand my thoughts in the matter, I have enclosed 3 copies of a portion of an Onslow County Soil and Geodetic Survey dated 1921. The numbers and comments in this letter will correspond with the numbers I place on 2 of the maps. The other copy I will not make comments or number.

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C. G. BARBEE Deed

- #1. Esquires Run or Mill Swamp.
- #2. Elder Swamp and the mouth of Elder Swamp.
- #3. Up Mill Swamp to
- #4. Eli Cox Mill Pond now owned by Furney Jarman - formerly the Durant Cox line.
- #5. B. H. Huffman line to the pocosin (Hell Pocosin shown on map).
- #6. I. G. Barbee line (at this point it is also a part of the Mill Road).
- #7. Continues I. G. Barbee line to Elder Swamp. (I. G. Barbee's continued down the Mill Road until it reached Polly's Branch. It then followed Polly's Branch until it reached Elder Swamp.)

You will note that the C. G. Barbee land is on the more northern side of Elder Swamp, east of Polly's Branch and west of Mill Swamp.

B. B. BARBEE and wife IDA deed

- #8. Lizzie Jarman's home and the road leading to the old Barbee homestead.
- #9. The old Barbee homestead. (You will note that it extends to both sides of the road.)
- #10. Bridge crossing Elder Swamp and the beginning point in deed.
- #11. Down the various courses of Elder Swamp to
- #12. The mouth of Polly's Branch.
- #13. Up Polly's Branch to
- #14. Furney Jarman Mill Road and back to the beginning.
(You will note that the B. B. Barbee and Ida Barbee land came out of the I. G. Barbee land and that B. B.'s land is on the more northern side of Elder Swamp, East of the road leading from Lizzie Jarman's home and west of Polly's Branch.)

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SECOND MAP WITH NOTATIONS

- #15. The location of Quinnie J. Hill property between Elder Swamp and State Road 1301. Of course her property continues across State Road 1301. You will note that her property is on the more southern side of Elder Swamp.
- #15A. What is now State Road 1301.
- #16. Bessie Barbee property and it also crosses State Road 1301. It is on the more southern side of Elder Swamp.
- #17. C. G. Barbee land. It is on the more northern side of Elder Swamp.
- #18. I. G. Barbee (Isaiah Grayson Barbee) land out of which B. B. and Ida Barbee obtained their land. This land extends on both sides of the road and is on the northern side of Elder Swamp.
- #19. B. B. and Ida Barbee's land.
- #20. Bridge on State Road 1301 which is referred to in both the Quinnie J. Hill title and the Barbee division as being 47 feet from the property line. There is also a reference in the Quinnie J. Hill chain of a distance from the Sudie Jarman house.
- #21. The location of the home where Bessie Barbee grew up.
- #22. The location of the house that C. G. Barbee built prior to his marriage and was the first home of C. G. and Bessie Barbee.
- #23. The road leading from the Bessie Barbee farm to the C. G. Barbee farm.
- #24. The pasture of C. G. and Bessie Barbee. It extended from State Road 1301 to Elder Swamp.
- #25. The pasture of E. R. Jarman. It extended from Elder Swamp toward State Road 1301, a distance of approximately 500 feet, but included only a small portion of E. R. Jarman's cleared land.

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#26. Fence. Located on the right side of the road leading from Bessie Barbee farm to C. G. Barbee's farm. This has been called the "line fence," and is a distance of 47 feet as described in the Quinnie J. Hill chain and Bessie Barbee division. On the right side of this fence, when facing from State Road 1301 toward Elder Swamp, E. R. Jarman farmed and had his pasture. On the left side of this fence was the Barbee pasture until another fence was erected making the road a lane. From then on the pasture was to the left of the lane.

Catherine Jarman, (mother of Bessie Barbee) was the daughter of Thomas Jarman as it was stated in the deed, E. R. Jarman to Sudie Jarman, a copy of which was included with the correspondence between you and Mr. Martin. That portion of Catherine Jarman's property that adjoins the property now owned by Quinnie J. Hill came to Catherine Jarman by and through the will of her father, Thomas Jarman, who died in 1881. This will is recorded in Will Book #4, Page #137.

Catherine Jarman married E. A. Ervin and from this marriage two children were born: Nannie, who pre-deceased her mother and father, and Bessie. E. A. Ervin pre-deceased his wife. Catherine Jarman Ervin died in 1915, leaving as her sole heir Bessie Ervin Barbee.

Bessie Ervin married C. G. Barbee who had already purchased his farm from Hargett. See the deed Mr. Martin enclosed in his correspondence of November 21, 1992. The farm that Bessie Ervin Barbee inherited from her mother, Catherine Jarman Ervin, and the farm C. G. Barbee purchased from Hargett, joined Elder Swamp. C. G. Barbee's on the more northern side and Bessie Ervin Barbee's on the more southern side.

C. G. and Bessie Barbee made their first home on the property of C. G. Barbee (#22 on map is location of this house). The road (#23) was a service road leading from Bessie Ervin Barbee's farm to C. G. Barbee's farm.

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To the right of this road to Elder Swamp (from what is now State Road 1301), there was a fence and portions of this fence still exist. There was a gate where the service road (#23) joined what is now State Road 1301, and another gate across the service road before it crossed Elder Swamp.

C. G. and Bessie Barbee had a pasture that extended from what is now State Road 1301 to Elder Swamp on the left side of the fence. E. R. Jarman had a pasture on the opposite side of the fence that extended from Elder Swamp, parallel with the service road, to the cleared land which he farmed.

When C. G. and Bessie Barbee moved from their first home to the house in which she grew up (#21) a problem developed with people leaving the gates to the pasture open. To eliminate the problem they erected a fence parallel to the service road and on the opposite side of the service road from the fence referred to as the "line fence." From that time on the portion of the service road was referred to as "the lane," and remained a portion of the service road leading from Bessie Barbee's farm to C. G. Barbee's farm. After this fence was erected, C. G. and Bessie Barbee's pasture was to the left of the service road and still extended from what is now State Road 1301 to Elder Swamp.

C. G. Barbee pre-deceased his wife, Bessie Barbee. Bessie Barbee died in 1965, without a will, leaving five children: Nannie Barbee Morton, E. Gordon Barbee, Everitte Barbee, Martha Barbee Hodnett and Grace Barbee Frazier. In the division of the Bessie Barbee farm and a later purchase, Nannie B. Morton, Everitte Barbee and Martha B. Hodnett obtained the property next to the property of Quinnie J. Hill. See division map of the Bessie Barbee farm.

E. R. Jarman pre-deceased his wife, Sudie, and at that time she came into possession of the property to which he had retained a life estate.

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There were five children born to the marriage of E. R. and Sudie Jarman: Marvin Jarman, Brownie Jarman Johnson, Quinnie Jarman Hill, Luke Jarman and Russell Jarman. Russell Jarman predeceased his mother, Sudie Jarman. At the time of Sudie Jarman's death Russell Jarman's heirs and the other four children of Sudie and E. R. Jarman inherited the property. In their division, with deeds back and forth (deeds dated below with book and page numbers) please note the 47 feet from the bridge appearing in their deeds and also a distance of 400 feet from the Sudie Jarman house. Note also the 47 feet in the Bessie Barbee division agreeing with the 47 feet from the bridge on State Road 1301 in their deeds, reference #20 on map.

April 26, 1973	Book 426	Page 342
Quinnie J. Hill and Russell Jarman's heirs to Marvin Jarman. Roscoe Sandlin survey.		
April 26, 1973	Book 426	Page 343
Marvin Jarman to Quinnie J. Hill and Russell Jarman's heirs. Note 47 feet from center of bridge and 400 feet from House. Roscoe Sandlin survey.		
April 26, 1973	Book 426	Page 344
Quinnie J. Hill and Marvin Jarman to Russell Jarman's heirs. Also 47 feet from bridge and 400 feet from house. Roscoe Sandlin survey.		
October 9, 1973	Book 435	Page 542
Marvin Jarman to Quinnie J. Hill. Again 47 feet from bridge center and 400 feet from house.		
March 8, 1976	Book 473	Page 323
Russell Jarman's heirs to Quinnie J. Hill. Note 47 feet from bridge and 400 feet from house.		

It appears to us that all of their property they refer to in which there was a survey, the same 47 feet from the center of the bridge on State Road 1301 pretty well defines either the beginning

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point, or the point from which the beginning point was located. It would appear that the Roscoe Sandlin survey would be helpful in resolving the problem.

The Cooper survey shows a jutting out of woodland into the Jarman field on the most westerly line. There is still a jutting out along the line and of course, the Cooper survey does not show the Jarman line going into the woodland except at this point along that line. (That is the most western line of the survey on the more northern side of State Road 1301.

After you have made a study of the enclosure and, of course, any other information you may have, we have no objection to your discussing this matter with Mr. Martin. You may call us if there any questions or when you are ready to proceed with what is necessary to get the problem resolved.

If it can be resolved without court action we feel that a surveyor who has not been involved should be employed to run the line and clearly mark it so that all interested parties should know where the boundary is located.

Sincerely,


Everitte Barbee

cc: Martha B. Hodnett

Nannie B. Morton

encl.





