
ABSTRACT OF TITLE

OF

DAISY C. SMITH AND JOHN
C. B. SMITH

TO

Lot No.15, White Section

James F. Dreher, Atty.,
Columbia, S.C.

ABSTRACT OF TITLE
OF
DAISY C. SMITH AND JOHN C.B. SMITH
TO

A. All that lot, piece or parcel of land on the South side of the Camden Road, about one-half mile East of Harden Street, in the City of Columbia, commencing at the North-east corner of a lot of R. W. Smith and running southwardly along the line of R. W. Smith and Peter Davis 409 feet, 3 inches, to lot of Turner; thence easterly along the line of Turner and Green 92 feet, 7 inches, to estate of Dial; thence along the estate of Dial and Green Jones to point on lands of Green Jones, Mac Brown and Peter Davis corner; thence westwardly 62 feet, 9-1/2 inches to a stake 47 feet from line of R. W. Smith; thence northwardly on line parallel with R. W. Smith 217 feet, 4 inches, to Camden Road; thence westwardly along the Camden Road 47 feet to the beginning. Subject to right-of-way over alley on Western side 8 feet wide granted by Peter Davis to Nathan Myers by deed of May 15, 1890, recorded Book "X", p. 390.

B. All that piece, parcel or tract of land situate, lying and being in the County of Richland, in the State aforesaid, one-half mile East of the City of Columbia on the South side of the Camden Road, fronting thereon 83 feet, containing one-half acre, more or less, and bounded as follows: On the North by the Camden Road; on the East by lands of Mac Brown, formerly of Dial, and on the South and West by lands of J.C.B. Smith, said tract of land being a part of the tract conveyed to Peter Davis by William Wallace, Trustee, Dec. 1869.

C. All that piece, parcel or tract of land, situate, lying and being in the County of Richland, State of South Carolina, about one-half mile East of the City of Columbia, on the South side of the Camden Road, containing 1/17th of an acre, more or less, commencing at a stake on the North-west corner of J.C.B. Smith's land and running from thence 9 feet along the lands of John Turner to a rock corner; from thence along the lands of R. W. Smith to gate post on Camden Road at which point it corners on lands of J.C.B. Smith, and from thence along the lands of J.C.B. Smith to the point of beginning.

This abstract is prepared by James F. Dreher, Attorney, for the Columbia Housing Authority to which the above described property has been offered for purchase.

Lot No. 15, White Section.

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|------------------------|------------------------------------|
| I. William Wallace, as |) FSGW deed dated Dec. _____ 1869, |
| Trustee, |) Recorded Dec. 6, 1880. |
| |) Deed Book "N", page 120. |
| -to- |) Properly executed, witnessed and |
| |) probated, no dower necessary. |
| Peter Davis. |) Consideration \$300.00. |

Conveys: All those certain lots or parcels of land numbered respectively 4 and 5, on a plat of survey made for Dr. John Wallace by A. Y. Lee, December _____ 1869, the said lots measuring 264 feet on the Camden Road, which bounds them on the North; bounded on the East by land of Mrs. Stark and measuring thereon 412-1/2 feet; on the South by lots Nos. 8 and 9 on the said plat and measuring thereon 240 feet, and on the West by lots Nos. 3 and 6 and measuring thereon 464 feet.

The property herein abstracted came to John C.B. Smith, the elder, by three separate conveyances referred to in the caption and below as Tracts A, B and C.

TRACT A

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| II. Peter Davis and Anna |) FSGW deed dated March 11, 1895, |
| Jane Davis |) Recorded March 11, 1895, |
| |) Deed Book "X", page 555. |
| -to- |) Properly executed (see note), wit- |
| |) nessed and probated. Dower |
| John C. B. Smith. |) properly renounced by A. Jane Davis. |
| |) Consideration \$350.00. |

Conveys: All that piece or parcel of land on the South side of the Camden Road about one-half mile East of Harden Street, in the City of Columbia, commencing at the North-East corner of a lot of R. W. Smith and running southwardly along line of R. W. Smith and Peter Davis 409 feet, 3 inches, to lot of Turner; thence Easterly along the line of

portion already decided to
Myers 1894 - Clear by
affidavit of possession

Turner and Green 92 feet, 7 inches to estate of Dial; thence along estate of Dial and Green Jones to point on lands of Green Jones, Mac Brown and Peter Davis corner; thence Westwardly 62 feet, 9-1/2 inches to a stake 47 feet from line of R. W. Smith; thence Northwardly on line parallel with R. W. Smith, 217 feet, 4 inches to Camden Road; thence Westwardly along the Camden Road 47 feet, to the beginning subject to right-of-way over alley on Western side 8 feet wide, granted by Peter Davis to Nathan Myers by deed of May 15th, 1890, recorded in Book "X", page 390, said lot being delineated on plat hereto attached. (Plat referred to being recorded in Plat Book "A", page 56).

NOTE: Anna Jane Davis, the wife of Peter Davis in whom title to the property herein abstracted vested by conveyance abstracted as I. above, signed the present deed as grantor, according to the records, unnecessarily.

TRACT B

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| III. Peter Davis |) | FSGW deed dated July 16, 1895, |
| |) | Recorded July 16, 1895, |
| -to- |) | Deed Book "Y", page 63. |
| |) | Properly executed, witnessed |
| John C. B. Smith. |) | and probated; dower properly |
| |) | renounced by Anna Jane Davis. |
| |) | Consideration \$500.00. |

Conveys: All that piece, parcel or tract of land, situate, lying and being in the County of Richland, in the State of South Carolina, one-half mile East of the City of Columbia, on the South side of the Camden Road, fronting thereon 83 feet, containing one-half acre, more or

less, and bounded as follows: On the North by the Camden Road, on the East by lands of Mac Brownx, formerly of Dial, and on the South and West by lands of John C. B. Smith, said tract of land being a part of tract conveyed to Peter Davis by William Wallace, Trustee, December 1869.

TRACT C

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| IV. Peter Davis |) | FSGW deed dated Jan. 25, 1894, |
| |) | Recorded Jan. 26, 1894, |
| -to- |) | Deed Book "X", page 283. |
| |) | Properly executed, witnessed and |
| Nathan Myers. |) | probated. Dower properly renounced |
| |) | by Jane Davis. Consideration |
| |) | \$250.00. |

Conveys: All that piece, parcel or lot of land, situate, lying and being in the County of Richland, adjacent to the City of Columbia, in the State of South Carolina. Said lot is bounded as follows: Taking the point of land on the Camden Road as a starting point where Peter Davis' land adjoins R.W.Smith's land, thence running 104 feet on the Camden Road; thence running in a southerly direction 314 feet, more or less, until it reaches the land of John Turner, and thence the line runs westerly on the lands of said John Turner and of Mrs. Green 104 feet until it reaches the land of the said R. W. Smith, thence the line runs in a Northerly direction on the lands of R. W. Smith until it reaches the point of departure on the Camden Road.

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| V. Peter Davis |) | FSGW deed dated May 15, 1894, |
| |) | Recorded July 9, 1894, |
| -to- |) | Deed Book "X", page 390. |
| |) | Properly executed, witnessed and |
| Nathan Myers. |) | probated. Dower properly renounced |
| |) | by Jane Davis. Consideration |
| |) | \$250.00. |

The deed recites: "This deed is substituted for a deed given by me January 25, 1894 and recorded in R.M.C. Book "X", page 283, and rectifies mistakes in width of lot."

Conveys: All that lot, piece or parcel of land with the improvements thereon, situate, lying and being in the said County and State, on the Camden Road about one mile east of the City of Columbia, said lot or tract of land being bounded as follows: Starting on the Camden Road at the point of intersection of the lands of R. W. Smith and said Peter Davis and runs thence in an easterly direction on the said Road 30 feet; thence the line runs 314 feet, more or less, in a south-easterly direction until it strikes the land of John Turner; thence the line runs in a westerly direction on the lands of said John Turner 39 feet until it strikes the land of said R. W. Smith; thence the line runs on the said Smith's land in a Northerly direction 314 feet, more or less, until it strikes the point of original departure.

Also conveys a right-of-way over the eight foot alley bounding on the East of the said lot.

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| VI. Nathan Myers |) | FSGW deed dated July 27, 1894, |
| |) | Recorded July 27, 1894, |
| -to- |) | Deed Book "X", page 399. |
| |) | Properly executed, witnessed and |
| R. W. Smith. |) | probated. Dower properly renounced |
| |) | by Sarah R. Myers. Consideration |
| |) | \$250.00. |

Conveys the property described in V. above.

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| VII. R. W. Smith |) | FSGW deed dated Jan. 23, 1896 |
| |) | Recorded Jan. 24, 1896, |
| -to- |) | Deed Book "Y", page 259. |
| |) | Properly executed, witnessed and |
| John C. B. Smith. |) | Probated. Dower properly renounced |
| |) | by Elizabeth Smith. Consideration |
| |) | \$15.00. |

Conveys: All that piece, parcel or tract of land situate, lying and being in the County of Richland, State aforesaid, about one-half mile East of the City of Columbia, on the South side of the Camden Road, containing 1/17th of an acre, more or less, commencing at a stake on the North-west corner of John C.B.Smith's land and running from thence 9 feet along the lands of John Turner to a rock corner; from thence along the lands of R. W. Smith to gate post on Camden Road, at which point it corners on lands of J.C.B.Smith, and from thence along the lands of J.C.B.Smith to the point of beginning. This transfer not to affect the right to use the alleyway.

NOTE: The point of commencement in the above deed is obviously in error and should be instead of the North-west corner, the South-west corner of John C.B. Smith's land. Thus taken, the conveyance is of a small triangular strip with its apex on the Camden Road, running back South to the depth of the John C. B. Smith lot with a 9 foot base. According to available plats this triangular strip lies mainly in the alleyway between the John C.B. Smith lot and the lots to the West formerly belonging to R.W.Smith, and was evidently given for the purpose of straightening land lines.

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| VIII. Estate of |) | Probate Court, |
| |) | Box 157-1/2 |
| John C.B.Smith. |) | Package 4443. |

The petition for Letters of Administration show that John C. B. Smith died July 13, 1900, leaving of force a last will and testament. Said will was proved in common form and admitted to probate August 3, 1900 and Letters Testamentary issued to Mrs. Jennie E. Smith on the same date. The will is dated Oct. 26, 1890 and is properly executed and witnessed. It provides: "I will, bequeath and devise all of my property, both real and personal, to my wife Jennie E. Smith during her widowhood and at her death to be equally divided between my two daughters, Daisy C. Smith and Jennie Eliza Smith, ^{and} And in case one or both of said daughters should marry and leave child or children, then the child or children of each to have the distributive portion coming to said mother and in case one of my daughters should die without leaving issue then my surviving daughter or her living issue shall have and receive the portion of the deceased, or both. In case my wife should marry, then she to have for her own use and support the one-third of the income of my entire estate, both personal and real, and the remaining two-thirds of my income to go to the support of my daughter or daughters, Daisy C. and Jennie Eliza. Now in case either or both of my said daughters should die without issue, then I desire that my wife shall recover the two-thirds of income allotted to them until her death. I further distinctly state that no part of my estate, both personal and real, or the interest or rents accruing therefrom, shall be in any way, shape or form liable to seizure or distress for debts contracted." The testator then provides for distribution on the death of

his wife if her daughters had predeceased her, leaving no children.

Testator's wife, Jennie E. Smith, was appointed executrix with the right to sell and change the investment if land proved unprofitable, or such value is reached that it is deemed best to sell. The will enumerates the tracts referred to, among them being: "Tract known as the Dr. John Wallace place, containing 1-1/10 acre".

There is in the roll a list of the lands of John C. B. Smith prepared by the executrix, including: "Peter Davis lot 1-1/10 acre, South side of Camden Road, bounded east by lands of Peter Davis, Green Jones and estate of Dial; South by Green and Turner; West by Peter Davis and R. W. Smith. * * * Lot on Camden Road 1/16th acre - bounded by lands of J.C.B.Smith, John Turner and R. W. Smith".

NOTE:

The above will gives a fee simple title in remainder to testator's two daughters or their children surviving them if the said daughters die before the death of testator's wife, the life tenant.

The abstractor's information is that the daughter referred to in the will of John C.B.Smith as Jennie Elizaxxxx Smith was subsequently known as Lila Smith, and after her marriage as Lila Mobley. She died prior to the death of the life tenant leaving one son who took the name of his grandfather, John C. B. Smith. These facts can be established by affidavit.

The elder John C. B. Smith's widow died intestate August 5, 1934, as will appear by the administration of her estate in the Probate Court for Richland County, Box 440, Package 12018. The petition for letters sets out that the intestate, then known as Janie Steele Smith, left as her only heirs-at-law her daughter, Daisy C. Smith, and her grandson, John C. B. Smith. There is in this roll an affidavit of Daisy Smith that she is the daughter of Mrs. John C. B. Smith and as such entitled to

See attached
citations

one-half interest in the net estate of said decedent. "That the lands listed in the attached certificate from the Auditor's office for Richland County in the name of Mrs. Smith were her property only for her life time and at her death one-half interest therein passed to this deponent under the terms of the will of John C. B. Smith, deceased." The property herein abstracted is included among the attached certificates from the auditor.

ENCUMBRANCES

We find no mortgages, judgments, lis pendens, mechanics liens or other liens on or affecting the title to this property.

TAXES

All taxes, State, County and City, for the past ten years, including the year 1938, have been regularly paid.

OPINION

As far as the records and indices of Richland County show, I am of opinion that Daisy C. Smith and John C. B. Smith have a good, fee simple, marketable title to the premises herein abstracted.

James F. Dyer
Attorney at Law.

SUPPLEMENTAL REPORT

The following link has been added to the chain of title included in the original abstract of the property of John C. B. Smith and Daisy C. Smith:

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| IX. Daisy C. Smith and |) | FSGW deed dated July 21, 1939, |
| John C. B. Smith |) | Recorded August 22, 1939, |
| |) | Deed Book "EQ", page 164. |
| -to- |) | Properly executed, witnessed and |
| |) | probated. Dower properly re- |
| The Housing Authority of |) | nounced by Mary A. Smith. |
| the City of Columbia, S.C. |) | Consideration \$5.00 and other |
| |) | valuable consideration. |

Conveys the property described in the caption.

SUPPLEMENTAL OPINION

So far as the records and indices of Richland County show, I am of the opinion that The Housing Authority of the City of Columbia S.C. has a good, fee simple, marketable title to the premises described in the caption of the original abstract.

James F. Disher
Attorney at Law.

October 14 1939.

STATE OF SOUTH CAROLINA,)
)
COUNTY OF RICHLAND)

Personally appeared before me John C. B. Smith,
who being first duly sworn, stated:

That he is the grandson of the late John C. B. Smith, who died testate on or about July 13, 1900, leaving a will whereby the property, which has been offered for purchase to the Columbia Housing Authority was devised to the testator's wife, Jennie E. Smith, for life and after her death to be equally divided between the testator's two daughters, referred to in the will as Daisy C. Smith and Jennie Eliza Smith. Said will further provided that in case either or both of the testator's daughters should marry and leave children, the children of each to have the distributive portion coming to their mother; and in case one of the daughters should die without leaving issue, the surviving daughter, or her living issue, should receive in addition to her own portion, the portion of the deceased daughter. That Jennie E. Smith, the wife of the said John C. B. Smith, died intestate on or about August 5, 1934. That Jennie Eliza Smith, one of the daughters of John C. B. Smith, died prior to the death of her mother, the life tenant, leaving as her only surviving child the deponent, John C. B. Smith. That Daisy C. Smith is living and unmarried and that she, with the deponent John C. B. Smith, now hold the undivided fee simple interest in the property devised by

John C. B. Smith, the elder.

John C. B. Smith

Sworn to before me this the)
13th day of June, 1939.)

James F. Deher (L.S.)
Notary Public for S.C.