

A Little History of Hornbuckle

By Ken Hall

May 14, 2022

I authored the following article for the purpose of illuminating the land transactions history of Hornbuckle, the beautiful area we love and in which many of us live at least part time, to aid in understanding the rights and responsibilities we share as landowners.

Since the treaty with the Cherokees was signed that allowed us to buy land here, there have been many owners with a variety of reasons for wanting to own this land. Plans were made for development that never materialized. Land was indentured, and at times lost to bankruptcy. Timber in the region was cut. Roads were built to support logging. These roads became easements over which today's landowners access their property, with ingress and egress guaranteed in the deeds. Additional roads were built. The means of maintaining these roads, however, is rarely even mentioned in our deeds.

Chapter 47F was created by the North Carolina legislature in 1998. It applies to all planned communities with more than 20 lot created in North Carolina after January 1, 1999, ten years after most land in our community was platted. Echoing the North Carolina Statute, Section 4.8 of the Jackson County Ordinance requires developers to create a home/property owners association to be responsible for the maintenance of roads, with the legal authority to compel contributions from residents to cover proportionate shares of the costs. The effective date of the Ordinance is August 2016. Our community predates those requirements, and our deeds contain no language such as would be required now by the Statute and Ordinance.

If the J. L. Todd auctions that took place in 1988 were held now, perhaps he would have been required to include in the deeds a mechanism for road maintenance. With no legal prescription for maintenance of our roads, we must individually or through voluntary coordination of efforts ensure we can continue to enjoy access to our properties.

Jim Davey had more to do with the creation of our community than anyone. Jim was one of the original 4 stockholders of the Davey Tree Expert Company, founded in 1909. On the recommendation of a State Representative from Waynesville, Jim visited Soco Gap in 1935 and fell in love with the beauty of these mountains.

There was already a log cabin in the vicinity of Soco Gap when Jim first visited. It is described as laying "just south of where U.S. Highway 19 was completed through the gap in the late 1930's". The cabin was occupied by the Rich family, who became friends with the Daveys. I believe this might be the old log cabin that is in the final stages of decay, behind the Blue Ridge Motel.

Jim immediately set about purchasing land west of Soco Gap. His first purchase was 640 acres (one square mile) from the Campbells in 1935 for \$5000. This land includes much of what is now the Hornbuckle community.

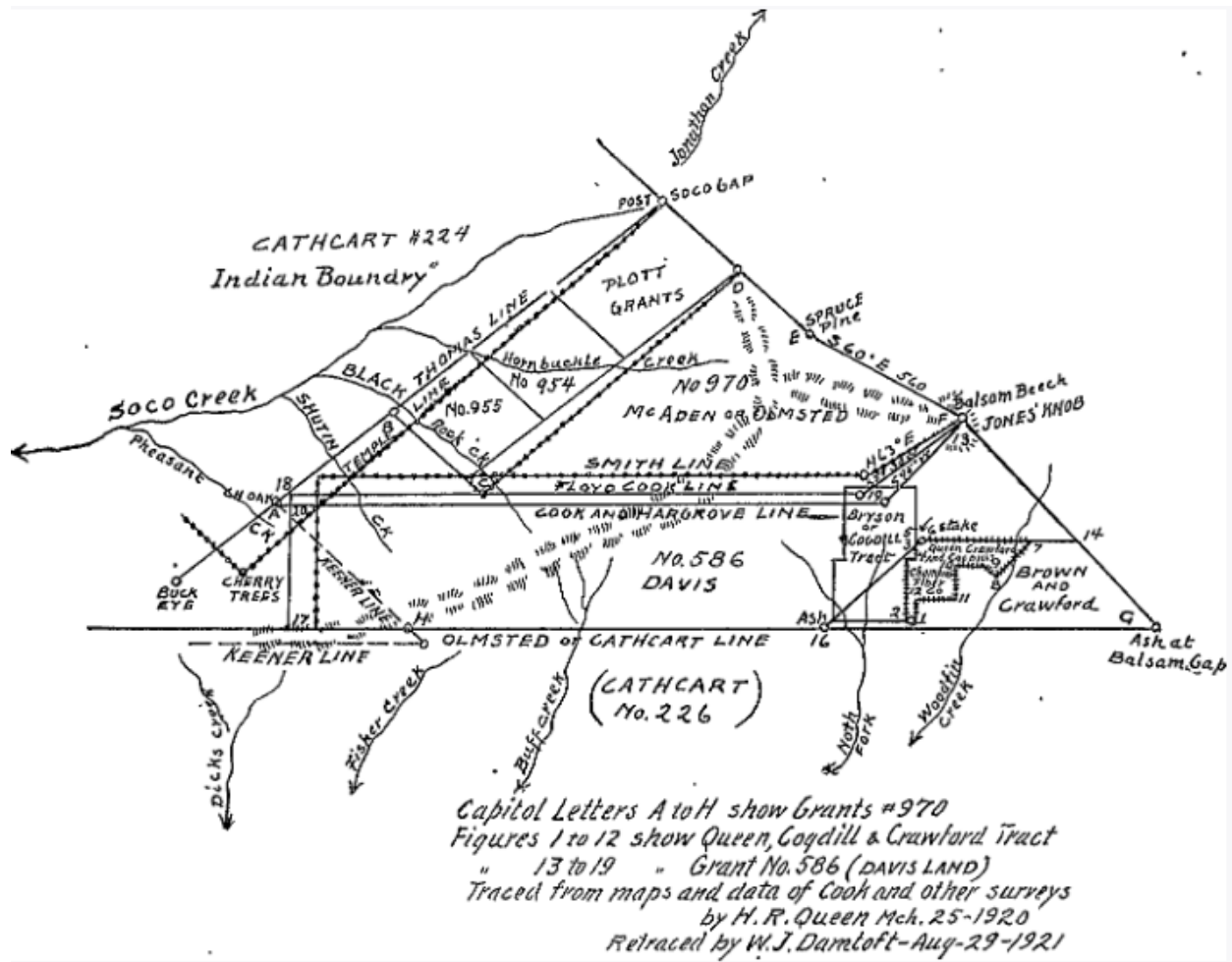
The Campbell lands were granted to the the Plotts (Amos, E. V., and John) in the early 1850's by the State of North Carolina. This was barely 10 years after the Cherokees were forcibly removed from their

native lands, following the signing of a treaty between the Cherokees and the federal government in 1819. The Plotts bred a black bear hunting dog now known as the Plott Hound, the North Carolina State Dog.



Mountain Dew Farm, named by owner Jim Davey for the abandoned whiskey stills he found in the area. It can be visited using the unmarked, paved spur road on the south entrance ramp to the Blue Ridge Parkway at Soco Gap.

His first step was to build Mountain Dew Farm on part of his first land purchase. It was a fully functioning, working farm. Beyond this, his dream was to build a resort he wanted to call “High Soco Resort” on the mountains we call home, but his dream was never to become a reality. In 1941, at age 54, he suffered a heart attack. Though he recovered and lived another 10 years, due to health and other challenges he was not able to complete his dream.



Original North Carolina State Grants with owners as of 1920

He began to raise capital to fund his dream resort through timber and sawmill operations and began to expand by purchasing land adjacent to the original 640 acres, to the south and southwest. He bought 3400 acres in February 1944, bringing his total holdings to 9500 acres. The 3400 acres was known as the Blanchard Tract, and formerly known as the Ferguson lands. It was part of the 10580 acres south and west of the Plott grants, known in 1920 the McAden Balsam Timber Tract. The tract was originally granted to E. B. Olmsted in 1867. Part was sold to Ferguson in 1904. Portions of our community as well as the Blackrock and Yellowface region were part of this tract.

After his heart attack his family's business, the Davey Tree Expert Company, bought five thousand acres of the land from Jim for \$157,000 including the buildings. They continued to develop the resort concept for a brief time. Their plan for the area was platted in 1955. It included a hotel, dude ranch, and two reservoirs. It also included 263 lots for building homes, accessed by roads they originally built to support logging operations.

Deed restrictions were filed for the eight hundred acres of land (not including land designated as a business district near Soco Gap) in September 1955. Use of the land was restricted to single family homes, built according to detailed requirements. Further restrictions included prohibitions on tents, shacks, trailers, and outbuildings. It established a Board of Control with the power to enforce the

restrictions. They expired January 1st, 1985. The business district had a separate set of restrictions, included in the deed when the property was sold to the Fergusons in July of 1956, and also expired January 1st, 1985.

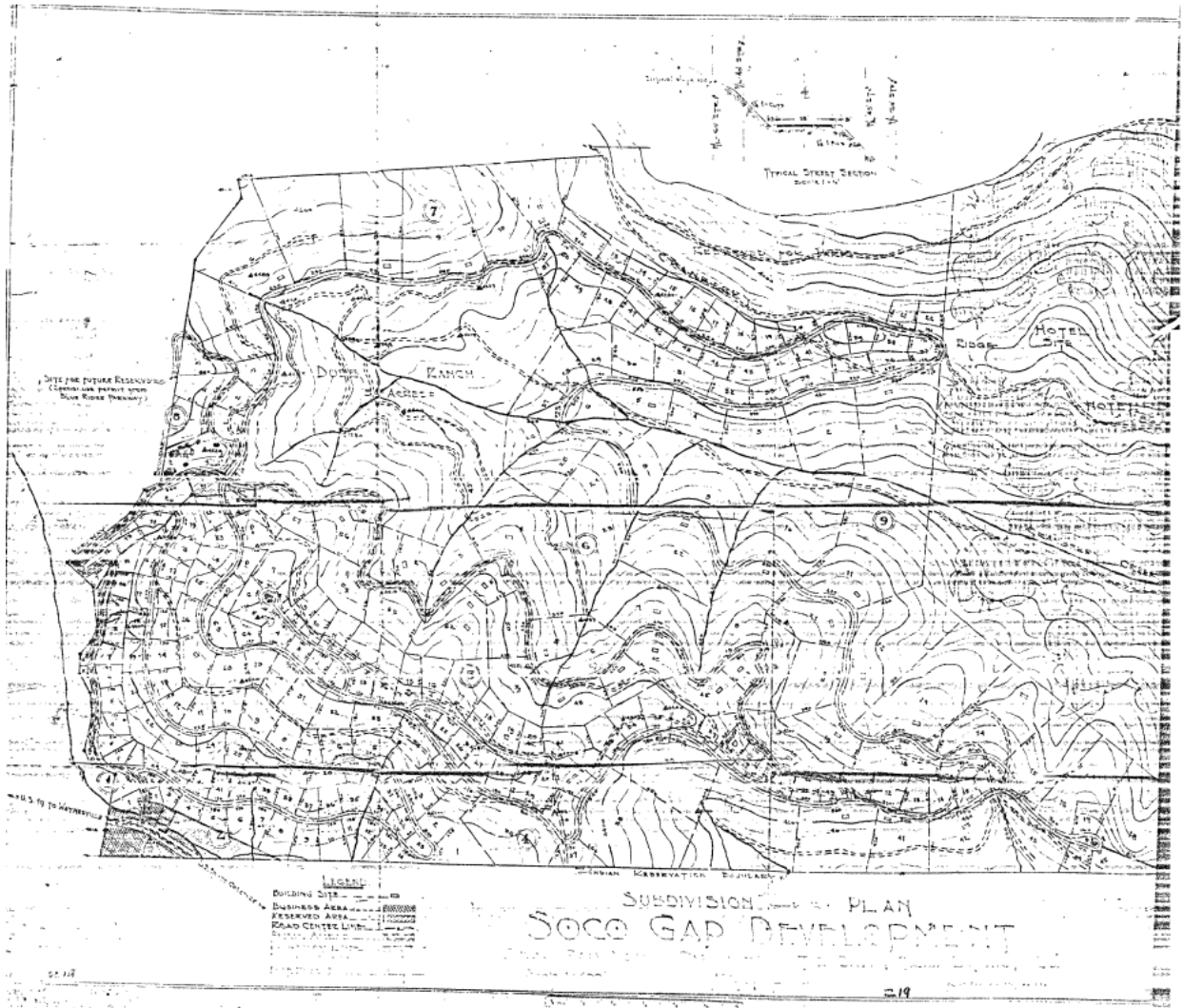
To raise cash to support modernization efforts, in two transactions in 1948 and 1950 the Davey Company sold about 5300 acres of its Soco Gap land to the Carolina Wood Turning Company. This land was from Hornbuckle Creek southward.

When Jim began working on developing Mountain Dew Farm in 1938, he was unaware of efforts by the North Carolina Highway Commission to convince the Cherokees to permit Highway 19 to be extended westward from Soco Gap through the town of Cherokee to Bryson City. The success of these negotiations culminated with an agreement for a “high route” east of Cherokee settlements to the entrance of Great Smoky Mountains National Park. He did not know that progress in establishing a route for the Parkway would eventually doom his dream.

Beginning in the spring of 1947, the federal government represented by the State of North Carolina worked to acquire land for the Blue Ridge Parkway from Balsam Gap to Soco Gap, known as the 2-X section. It took more than a decade for the process of selecting and acquiring the right of way for the Parkway. Negotiations between the State of North Carolina and the Davey Company ended up in court. In May 1951, the Haywood County Superior Court rendered a decision. Ownership of 1053 acres of Davey Company land in three tracts was transferred to the State of North Carolina, representing the federal government.

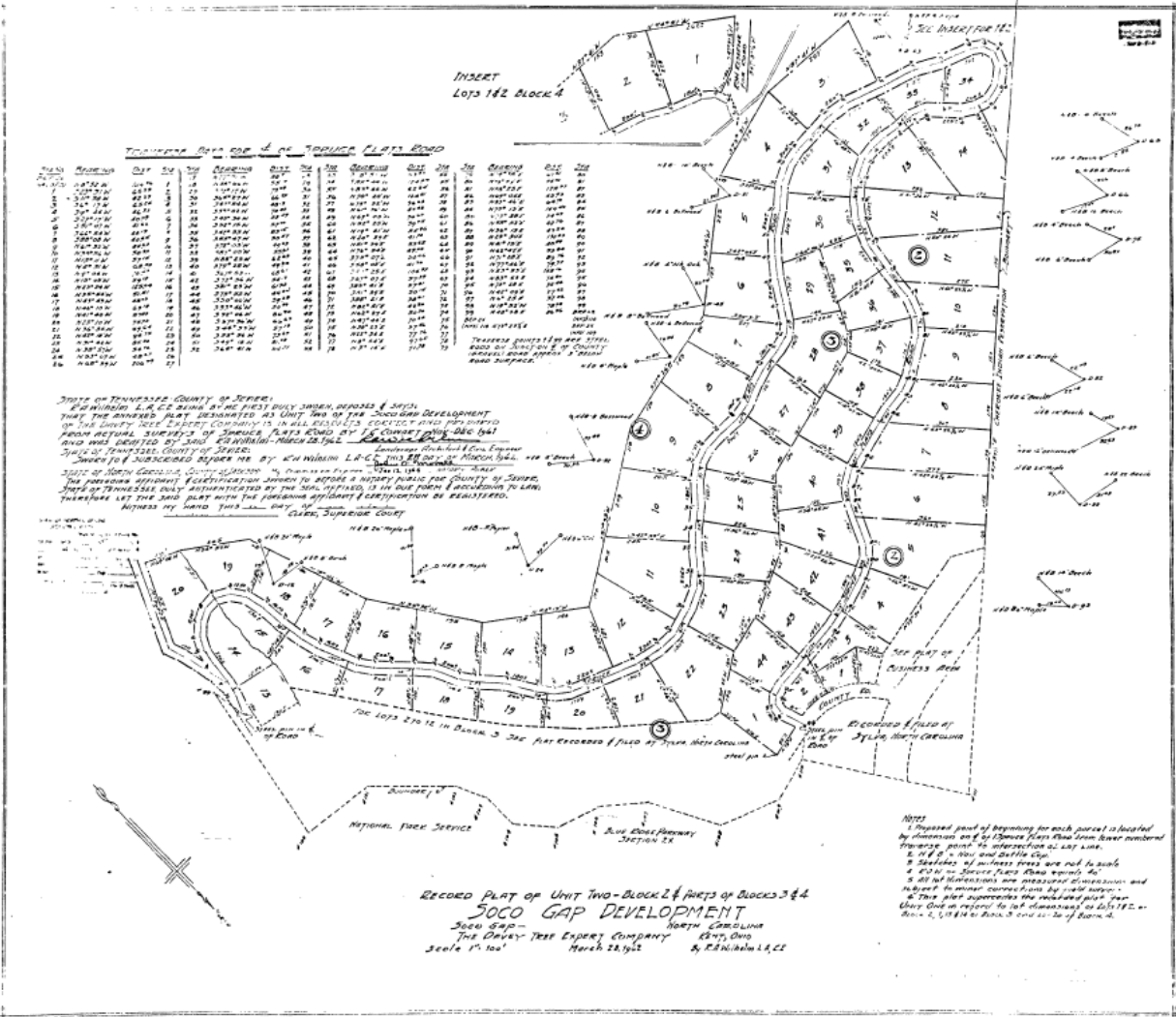
The terrain was steep and rough, and access to Davey Tree’s more remote tracts was hindered by creation of the Parkway. As a result of protracted negotiations with the North Carolina Highway Commission (representing the National Park Service), Davey Company interest waned. They began selling off the land in the late 1950’s.

Plat of northeast portion of Soco Gap Development



Plat of southwest half of Soco Gap Development showing Cranberry and Hornbuckle Creeks





Plat of Spruce Flats area of the Soco Gap Development, Davey Tree Expert Company, March 1962

In March of 1954, Carolina Wood Turning Company sold 4400 acres of its 5300 acres to Smokey Mountain Development Corporation of Soco Gap, a Florida corporation located in Cocoa Beach. In September 1961, Roland T. Tinker, President of Smokey Mountain Development Corporation of Soco Gap, signed for the sale of all 4400 acres in three pieces. Four thousand acres were sold to the Kabboords, also of Cocoa Beach, in two parcels of 2000 acres each. The other four hundred acres were sold to James Foley, also of Cocoa Beach. These four hundred acres were in the southern portion, in the vicinity of Firescald Ridge.

The last significant piece of Davey land, 830 acres representing most of our community that had not already been sold, was sold to John Kabboord of Cocoa Beach in May 1970.

The Smokey Mountain Development Corporation of Soco Gap was dissolved in June 1965. In October 1971, a large group of individuals that held interests in the land sold the four thousand acres to Richard Collier and Harry Gonzalez, both of West Palm Beach. Signing the sale individually and as the officers, last Board of Directors, and Statutory trustees of the Smokey Mountain Development Corporation of Soco

Gap were Roland Tinker, John Kabboord Sr., and Franz Guerard. In addition, nine more Kabboords signed. In June of 1972, Collier and Gonzales transferred ownership to Land Logistics Corporation, a Florida company they formed in February 1970.

Land Logistics sold its land to Billy Stallings in May 1979. Land Logistics still owed Smokey Mountain Development Corporation \$575,000, and Billy Stallings assumed this mortgage as part of the \$1.2 million purchase price. Payment terms were defined in the land purchase agreement. Billy Stallings also bought two properties from Wilson that were in the Soco Gap Development. Wilson had bought one property from Ferguson, and the other from Davey Tree Company.

In September 1981, Stallings formed Cranberry Falls Development Corporation. In June of 1981, he signed a Deed of Trust for over 7200 acres consisting of 4 large tracts with individual ownership chains, comprising what is today the Hornbuckle area and well beyond to the south, with Borg Warner Acceptance Corporation.

At the same time, he signed a timber purchase contract with Hennessee Lumber Company. In this contract Hennessee was sold the right to cut trees fourteen inches DBH (diameter at breast height) on 4800 acres of Cranberry Falls Development Corporation land. Hennessee agreed to install metal culverts or bridges at all water crossings and to use metal culverts on all "main haul roads." Billy paid Land Logistics \$108,044 to release the timber rights and agreed to turn over all proceeds of the timber sale unless he paid the mortgage he assumed from Land Logistics. Earlier, on December 15th, he signed a deed of trust for block 8 of unit 1 per the Davey Tree plat.

Over the next two years, in 1981 and 1982, he had the area resurveyed and platted. The Spruce Flats/Picnic Gap area was surveyed and platted in August 1981 (PC3 S266) by Davenport Land Surveyors. In March 1982, the small lots near US Highway 19 were platted (Unit 1, Part of blocks 1,2,3,4; PC3 S267) *. This plat "Represents actual field survey for those lots in Soco Gap Development purchased by Billy D. Stallings".

The area on either side of and between what are now Cold Springs, Cranberry Creek, and a portion of Plott Balsam were surveyed in 1982. Cold Springs is referred to as "Road Traverse R." Cranberry Creek is referred to as "Road Traverse E." Plott Balsam from a little north of Picnic Gap to a little south of Cranberry Creek is referred to as "Road Traverse D." The area covered by the survey ends on Cold Springs before what is now Catawba Ridge. Cranberry Creek is surveyed to a point almost due south of the Catawba Ridge intersection on Cold Springs. This region is referred to as Unit 4, Part of Block G Qualla Township (PC3 S265*). The survey states that all roads shown are "private maintained". Then, beginning in February 1982, he began selling parcels.

The first sale, Lot 18A (6-acre parcel north of Picnic Gap), was to B. T. Boatwright. He sold parcels to Georgia Pacific and Masonite, and to a number of other companies and individuals. He sold lots 41, 42, and 44 to Marvin Sutton (560/68, 70) in June 1983. Those lots are on the south side of Spruce Flats near the north side intersection with Plott Balsam. In 1982 and 1983 he sold a total of about thirty-five lots.

In November 1983, Cranberry Falls Development Corporation filed for bankruptcy. Borg Warner foreclosed on the property and took possession of Tracts I, II, and III between 1984 and 1986, and eventually paid \$1M for the property under foreclosure as the highest bidder (B581 P184)**. Borg Warner later changed their name to TransAmerica Commercial Finance Corporation. On June 1st, 1988, TransAmerica deeded all three tracts to J.L. Todd. J. L. Todd owns an auction company in Rome, Georgia. This deed included no restrictions.

On July 21st, 1988, Todd withdrew the dedication of areas to a dude ranch, park, hotel site, hotel grounds that had been platted by the Davey Tree Company, as they had never been and never would be developed.

In August 1988, the Tracts deeded to J.L. Todd were surveyed. Hornbuckle contains 1933 acres and was divided into ninety-eight lots and six sections: Cranberry, Parkway, Woolyback, Green Mountain, Cranberry Falls Unit 5, and Yellowface. The southwestern area was called the Hornbuckle, Cranberry Section (C4S597)* and the northeastern area was called Hornbuckle, Parkway Section (C4S598). In the Parkway Section Plott Balsam Road, Parkway Drive, and Upper Hornbuckle Creek Road are called out with road centerline coordinates. Roads called out in the Cranberry Section are Fox Den Circle, Azalea Trail, Plott Balsam Road, and Lower Hornbuckle Creek Road. Cranberry Falls, the third plat, centers on Cranberry Creek Road. Notes specify that “All roads shown are private maintained” and have a 60 ft right of way (except for a short section that has a 40 foot right of way) for “perpetual ingress, egress and regress and for the construction and maintenance of all utility services”.

According to minutes from the HPOA Annual Meeting in 1996, many street names had to be changed due to implementation of the 911 system because they were duplicates of other Jackson County streets.

Original Name	Post 911 name
Lower Thunderstruck	Catawba Ridge
Lower Hornbuckle	Reservation Road
Cherokee Trail	Boundary Trail
Skyway Drive	Cold Springs Drive
Grouse Hollow	Field Mouse Lane
Azalea Trail	Squawroot Trail
Fox Den Circle	Yellow Jacket Circle
Upper Thunderstruck	Thunderstruck Road
Upper Hornbuckle	Hornbuckle Road
Marvin Drive	Young Bear Trail

I do not know how the new names were decided, except for Young Bear Trail which was named by Jess Osborne. New street signs had to be installed when the community was included in the 911 system.

Auctions were held that resulted in sale of one hundred sixty-six deeds to 110 new owners, recorded by Todd between September 1988 and April 1991. Not all lots were sold during this time. At least one sale is recorded as late as 1997. These deeds typically included the statement “This property is restricted to residential use only; no mobile homes or junkyards are allowed.” Buyers were:

Allan Mantooth	Craig Rudow	Frederick Cothran	Joe Barber	Marvin Sutton and Dial Rawl	Ronald Hicks
Alma Stone	Danny Dukes	Gene Marshall	John Schneider,	Mary Woodruff	Ronald Pronyk
B K Anderson	Danny Ray O'Dell	George Crouch	Joseph Ward	Mike Moody	Rose Todd
Ben Hendricks	David Prince	George Edenfield	Joshua Vanlandingham	Mondee Monteith,	Russell Bruner
Bert Smith	Davis Brooks	George Zimmerman	Kevin Ensley	Nicholas Powers	Sheila Higgins
Bill Dickerson	Denning Rochester	Gerald Snelgrover	Kyle Edwards	Paul Bradley Ulrich	Steven Ragar
Billy Grimes	Denver Blaylock	Glen Smithson	L P McClellan	Philip Reese	Thomas Doyle
Bobby Bradley	Dial Rawl	Herbert Hill	Larry Carroll	Preferred Builders	Thomas Johnston,
Bruce Nelson	Dick Kosikowski	J M McCurry	Lee Fincannon	Preston Golden	Thomas Knight
Buford Ward	Donald Wilson	Jack Cothran	Leo Austin	R C Allen	Thomas Thrash, et. al.
C R Emmons	Doris Jacobs	James deReus	Leo Martin	R H Detter	Timothy Minchee
Carl Ridlehoover	E J Czarnik	James Dudley	Lester Lefler	Ralph Blaylock	Tipton & Young Construction
Charles Vanlandingham	E W Odom	James Joyner,	Lonnie Sutton	Ralph Henry	Virgil Schenck Jr,
Charles Welborne,	Earl Drawdy	James Leland Sr	Lowell Stanley	Richard Pate	W B Wiggins
Charlie Myers and Dial Rawl	Earl Taylor	James Murphy	Lucy McDaniel,	Rita Jordan	Walter Freese
Charlie Myers and Dick Kosikowski	Edwin Hinson	James Prince	Mark McMahan	Robert Bluck	William Scobey
Clarence Glover	Elmer Hinman	Jay Schenck,	Marshall Poplin	Robert Gross	William Sutton
Cleopatra McCurry	Eroll Hattaway	Jesse Glover	Marvin Sutton	Robert Kethman	WNC Pallet and Forest Products
Cook Construction	Fairfield Comm, Inc				

Sixteen properties sold by Todd were reviewed. All but one includes the restriction “This property is restricted to residential use only; no mobile homes or junkyards are allowed”. The one exception was in the Cranberry Section, sold by Todd to Moody and Smith. It contained no restrictions at all (B712 P99).

Of the twenty current deeds inspected, only three contain language addressing a responsibility for contributing to road maintenance. In 1982, one parcel was sold by Cranberry Falls Development Corporation to Boatwright with no restrictions. Boatwright sold to William Sutton in 1999. Mr. Sutton subsequently sold this parcel to Decker, with some restrictions added: “No mobile homes or trailers, including double wides;” “No junk yards;” and “further subject to a pro rata share of the maintenance of the subdivision roadways”. Those restrictions remain on the current deed to this property.

In a second case, a restriction was added to the typical Todd restriction. The added restriction states: “...Lots... are subject to: By-Laws of Hornbuckle Property Owners Association and the Grantee by acceptance of this instrument agrees to become a member of the association and be bound by the laws, terms, covenants, and restrictions adopted by said association....” Also included is the language in all deeds sold by J. L. Todd, that mobile homes and junkyards are not allowed. The added restriction requiring HPOA membership was added by Robert Bluch when the property was sold to Wendell in 1993. Robert Bluch was one of the original directors of the HPOA when it was incorporated in 1988 (B710 P380, B836 P572)

In a third case (B1108 P583) six deed restrictions are found, including one stating “\$100 annual road maintenance fee to Road Committee.” This third case is unique in two ways. It is the only deed

inspected that does not include a right of ingress and egress from the property to US Highway 19, and it is the only deed observed that does not provide a prior link in the chain of ownership.

Except for the third case, all other deeds include the right of ingress and egress to Highway 19. The language most often found is from the original Todd sale: "Also conveyed herein is the...right of access, ingress and egress...to and from US Highway 19". Some say "...for purposes of ingress and egress from said lot to the public road...."

Most properties, with only a few exceptions, in the Hornbuckle development include no mention of a responsibility to contribute to road maintenance. Nevertheless, responsible owners want to maintain the value of their properties and therefore want the roads to be maintained. This was recognized in 1988 by some of those who purchased property from Todd Auctions.

On October 6th^d 1988 Articles of Incorporation of the Hornbuckle Property Owners Association were filed with the North Carolina Secretary of State. Eight initial directors were named. All eight appear to be among the original one hundred ten who purchased from Todd. They are Bobby Bradley, Robert Bluck, James Prince, Robert Thrash, Craig Rudow, B K Anderson, James Murphy, and George Edenfield.

This group of individuals created the HPOA as a non-profit corporation. While one purpose was to "repair, improve and construct roads throughout the Hornbuckle Property area," other purposes related to increasing the desirability of the area are included as well. A future article will explore the history and present circumstances of the HPOA.

Thank you for reading this account of Hornbuckle history, and thanks to all those who contributed information. Much of the information included is based on official resources anyone can obtain online such as the Jackson County Register of Deeds and public court records. These sources are reliable. However, if you have any input regarding additional information or corrections I could include in future editions, please contact me.

Ken Hall

hornbucklelandowner@gmail.com

* refers to Cabinet and Slide, Jackson County Register of Deeds

** refers to Book and Page on the Jackson County Register of Deeds

Information in this article was derived from:

- *Inspection of deeds, plats and indentures available on the Jackson County Register of Deeds*
- *Case Files of the North Carolina Supreme Court*
- *North Carolina Statutes*
- *Jackson County Unified Development Ordinance*
- *Historic Resource Study, Davey Farm, prepared by Barry M. Buxton, February 1990*
- *HPOA Meeting Minutes*
- *Anecdotal information from long-time residents*

