

EXHIBIT 4

REPORT OF REFEREE

MOORE, ET AL.

v.

NORTH CAROLINA PHOSPHATE CORP., ET AL.

**BEAUFORT COUNTY, NORTH CAROLINA
SP 61-94
(68 CVS 1157)
(83 SP 12)**

NORTH CAROLINA
BEAUFORT COUNTY

IN THE SUPERIOR COURT
BEFORE THE REFEREE

REPORT OF REFEREE

Clifford Moore and wife, Mary M. Moore; William D. Moore, Mattie D. Moore, William David Moore and wife, Allie Moore; Audrey M. Moore and husband, John A. Moore; Theodore Moore and wife, Eva Moore; Carrie M. Moore and husband, Samuel A. Moore; James I. Moore and wife, Betsy Moore; Eliza M. Moore (widow; Ruth Cammeron and husband, Fred Cammeron; Evelyn Moore and husband, James Moore; Delsie Smith and husband, Oliver Smith; Mary Susan Moore (widow); John A. Moore and wife, Audrey Moore; Sarah E. Moore and husband, Clyde Moore; Ophelia M. Keys (widow); Ivory Moore and wife, Florida Moore; Alva M. Adams and husband, McKinley Adams; James A. Moore and wife, Virginia Moore; William W. Moore and wife, Gladys Moore; Ed Tillery, William H. Moore (widower); Eli Moore (widower), Sarah M. Blount (widow; Clara Moore, (widow); Timothy Moore and wife, Ethel Moore; Bonnie B. Moore (single); George E. Moore and wife, Laura M. Moore; Priscilla Williams and husband, Daniel Williams; Millie Moore (widow); Calonia M. Bryant and husband, Staly Bryant; Christobel M. Graves and husband, Joe Graves; Charlotte Washington and husband, Elbert Washington; Ella Mae Weaver and husband, Haywood Weaver; Sarah E. Moore and husband, Zollie Moore; Mozella Stewart and husband, Walter Stewart; James O. Bryant (single); Cora Mae Powell (widow); Eddie Moore and wife, Cora W. Moore; James Hammond and wife, Rebecca Hammond; Mary Jordan and husband, Louis Jordan; Elizabeth Hammond (single); Lorenza Hammond (single); Mary C. Williams (widow); James B. Williams, Elsie W. Hill and husband, Dapine Hill; Birl Williams and wife, Ruth Williams; Ada W. Willis (widow); Ethel W. Jordan (single); William J. Clemmons (single); Walter Clemmons, Ralph Clemmons, Thomas Clemmons, Anna Ore, Bunny Stitch, Alice Mary Williams and husband; Julius Williams; Mary M. Gay (widow); Julia M. Chapman and husband, Elias Chapman; Minnie Williams (widow); K. A. Williams and wife, Millie D. Williams; Elson K. Williams and wife, Inez Williams; Julius R. Williams and wife, Alice Williams; Willie N. Williams and wife, Minnie W. Williams; William D. Williams and wife, Iris Williams; Moses A. Williams and wife, Lena B. Williams; Cleo W. Bragg and husband, Edward Bragg; Zipporah W. Reid and husband, Richard Reid; Edgar Poe Williams and wife, Carolyn Williams; Isabella Roberson (widow); Columbus Willis, Mildred W. Moore and husband, Leslie L. Moore; Clarence Willis and wife, Mildred M. Willis

VS.

North Carolina Phosphate Corporation, Texas Gulf Sulphur Company, Essie Mae Long, Jeremiah Moore and wife, Catherine Moore; James G. Moore, George W. Moore and wife, Alton R. Moore, Pearl M. Rucker and husband, Ulysses Rucker; Fred Moore and wife, Geneva Moore; Clyde Moore and wife, Sarah Moore, Lewellyn Moore

Additional Parties Defendant :

Milton Long, Helen Moore, Mary McKay Moore, William A. Moore, William Powell, Hattie Bunny Stitch Adams, Robert Adams, Mary Lee Sharp Moore, Odester Moore, Virginia Belle Moore, LeRoy Crawford Moore, Julie Moore Robenson, Roosevelt Robenson, Shelley Moore, Ann Moore, Rosetta Hooker, Herbert Hooker, Minerva Moore, John Webster Moore, Carley Moore, Churchie Blount Moore, Eva Moore, Spencer, Ralph Swain Moore, Luda Waters Moore, Betty F. Clemmons, Helen Clemmons, Betty Clemmons Williams, James Williams, Frank Clemmons, Blanche Clemmons, Richard Lee Clemmons, Milton Lewis Clemmons, Joyce Clemmons Whitfield, Clarence Whitfield, Gloria H. Clemmons, Alvin Clemmons, Marilyn Hooker, Nathan Hooker, Wendell Morning, Gloria Morning, Norman Morning, Barbara Morning, Melvin Morning, Sylvia Moore, Essie Murray Moore, Frances Hammond, Lee Mackey Hammond, Phyllis Hammond, Retha H. Woodall, Benjamin Woodall, Eliza Marie Hammond, Ernest F. Moore, Mary L. Moore, Issac Franklin Moore, Laura Speight Moore, Barnabas Moore, Eddie Moore, Earle Moore, John Edmund Blount, Lenora Tuten Blount, Christopher Blount, Amanda Tillery Jones, Leon Jones, Ethel Mae Barrow Wallace, Eddie Wallace, Almeta Bryant Moore, William Edgar Cannon, Lovie Louise Cannon, and Tessie B. Williams.

Pursuant to notice duly given in the above entitled case, by Clarence W. Griffin, Referee, who was appointed Referee by the Honorable Rudolph Mintz, Judge, on February 24, 1966, a hearing was called in the above entitled case to be held in the Court room of the Courthouse of Beaufort County in Washington, N. C. on July 12, 1966 at 10:00 o'clock A. M. On Account of a conflict with Recorder's Court of Beaufort County, the meeting adjourned to the Library in the office of Rodman and Rodman, Attorneys at Law.

At the hearing, the Petitioners were represented by Attorney Leroy Scott, and the respondent, North Carolina Phosphate Corporation, was represented by Rodman and Rodman, Attorneys at Law. The respondent, Texas Gulf Sulphur Company, was represented by Attorneys, John A. Wilkinson and James Vosburgh.

It was stipulated that the objection to the introduction of testimony should carry with it a motion to strike and that the referee could make his rulings on the original of the record. The reading of the evidence to the witnesses and the signing of the evidence by the witnesses was waived.

From the evidence presented at the hearings in the above entitled action, the referee finds the following facts:

On January 24, 1873, Nancy Dixon conveyed a certain parcel of land to Eliza Ann Moore (the same person as Eliza Ann Moore Diamond) which said deed is of record in the Public Registry of Beaufort County, in Book 39, page 421. Reference is made to the deed for a description.

Eliza Ann Moore Diamond died intestate about 1901 as owner of the said tract of land.

Eliza Ann Moore Diamond was married three times and left surviving her seven children, four by her first marriage, namely:

Betsy Williams
William David Moore
Millie Moore
John Allen Moore

Three children by the second marriage, namely:

Hezekiah Moore
Mary Jane Moore
William Thomas Moore

There were no children by her last marriage to Jimmy Diamond.

Betsy Williams is dead, and her husband, Hynbric Williams, is also dead. She left surviving her five children, namely:

Mary Ann Morning
William David Williams
Elisa Ann Moore Hammond
Cora W. Moore
George W. Williams

Mary Ann Morning is dead, and she left surviving her five children, namely:

Perlie Moore, deceased, and husband deceased, and no children.
Lee Morning, deceased, with one child.
Julia Chapman, living
Mary Ann Morning Gay, living.
Betsy Clemmons, dead, with children surviving.

Lee Morning left surviving her one child, who is living. Alice Morning Williams,
whose husband is Julius Williams.

Betsy Clemmons is dead, and she left surviving her eight children,
namely:

Mary Clemmons Stitch, deceased.
Thomas Clemmons.
Randolph Clemmons (deceased with no children).
Walter Clemmons, living.
Betty Clemmons.
William J. Clemmons.
Cora Clemmons.
Richard Clemmons.

Mary Clemmons Stitch is dead and was divorced. She left surviving her
Hattie Adams, who is living and Annie Stitch who is living.

Richard Clemmons is dead and left surviving a wife, Helen Clemmons, who
is living and seven children, namely:

Betty C. Williams, whose husband is James Williams.
Frank Clemmons, living, no wife.
Richard Lee Clemmons, living, no wife.
Milton Clemmons, living, no wife.
Joyce Whitfield, living, husband, Clarence Whitfield.
Gloria Clemmons, living, no husband.
Alvin Clemmons, living, no wife.

William David Williams, another child of Betsy Williams, is dead and
left eleven children, namely:

King Agrippa Williams, who is living.
Lovie Willis, who is dead, and husband dead, two children, Clarence
Willis who is living, and Mildred Moore who is living, and husband,
Lessie Moore who is living.

Willie Williams, a child of William David Williams is living.
David Williams, a child of William David Williams is living.
E. K. Williams, a child of William David Williams is living.
Zepparah Williams, a child of William David Williams is living.
Isabell Roberson, a child of William David Williams is living.
Edgar Williams, a child of William David Williams is living.
Cleopatra Bragg, a child of William David Williams is living.
Julius Williams, a child of William David Williams is living.
Moses Williams, a child of William David Williams is living.

George W. Williams, a child of Betsy Williams, is dead and left surviving
six children, namely:

Ethel Jordan, living.
Burl Williams, living.
Ada Willis, living.
Sarah Morning, dead, with husband, William T. Morning surviving.
Elsie Hill, living.
Tessie Williams, living.

Cora W. Moore, a child of Betsy Williams, is dead and her husband is dead, leaving surviving nine children, namely:

Hynbric Moore, dead, wife Sylvia living, no children.
Raymond Moore, dead, leaving a wife, Essie Moore living and one child,
Essie Moore Laurence.
Llewellyn Moore, living.
Fred Moore, living.
Perlie Moore, Rocker, living.
George Washington Moore, living.
James C. Moore, living.
Clyde Moore, living.
Jeremiah Moore.

Eliza Moore Hammond, a child of Betsy Williams, is dead and her husband is dead, leaving surviving five children, namely:

Henry Hammond, dead, leaving a wife, Frances Pritchett Hammond, living and three children, Lee Hammond, Retha Woodhall, and Eliza Hammond.
Lorenza Hammond, a child of Eliza Hammond, is living.
Elizabeth Hammond, a child of Eliza Hammond, is living.
Mary M. Hammond Jordan, a child of Eliza Hammond, is living.
James Arthur Hammond, a child of Eliza Hammond is living.

William David Moore, a child of Eliza Ann Moore Diamond, is dead and his wife, Churchie is dead. He left surviving nine children, namely:

Ella Bryant, dead, and husband dead; they left three children who are living, Sarah E. Moore, Mozella Bryant Stewart and James O'Hara Bryant.

Eliza Moore Tillery and husband dead, leaving one child, Anne Tillery Jones.

Sarah Moore Blount, a child of William David Moore, is dead and her husband is dead, leaving three children, John E. Blount, living; Churchie Moore, living; and Christopher Moore, living.

George Alexander Moore, a child of William David Moore, is dead leaving surviving a wife, Clorh Moore and five children, Iasiac Moore, Priscilla Moore Williams, George E. Moore, Barnabas Moore, and Timothy Moore.

John Kelley Moore, a son of William David Moore, is dead, leaving surviving a wife, Millie Moore, and four children, Calonia Moore Bryant, Christabell Moore Graves, Ella Moore Weaver, and Charlotte Washington.

William Henry Moore, a child of William David Moore, is living.

Eli Moore, a child of William David Moore, is living.

David Webster Moore, a child of William David Moore, is dead leaving a wife, Helen Moore and five children: William Moore, James Arthur Moore, Ernest Moore, Ivy Moore, and Alva Adams.

Iasiac Moore, child of William David Moore, is dead leaving a wife, Llewellyn Moore and two children, Cora Moore Powell and Eddie Moore, both living.

John Allen Moore, child of Eliza Moore Diamond, is dead and his wife is dead. He left surviving two children, namely: Ophelia Moore Keyes who is dead and husband is dead, leaving one child, Virginia Belle Moore.

Willie Moore, child of John Allen Moore, is dead leaving wife, Mary Susan Moore and four children; Sarah E. Moore, John Allen Moore, Delsie Moore Smith and Evelyn Moore.

William David Moore, a third child of John Allen Moore is dead and wife is dead. No natural children survived.

Millie Moore, a child of Eliza Ann Moore Diamond, is dead and her husband is dead, leaving two children, Eliza Moore, living, and Arnecia Moore Barrow, dead and her husband dead, with one child: Ethel Mae Wallace who is an adopted child, and William R. Moore was an illegitimate child who did not inherit from father.

Annie B. Moore, a child of Millie Moore, died and had never married.

Hezekiah Moore, a child of Eliza Ann Moore Diamond, is dead and wife is dead, leaving eight children surviving and one deceased with no children. The eight survivors are:

Paul Moore, dead leaving a wife, Cora and one child, Joanna Moore Little.
Julie Moore Roberson, living.
Shelley Moore, living.
Rosetta Hooker, living.
Minerva Moore, living.
Carley Epton Moore, living.
Eva Moore Spencer, living.
Ralph Moore, living.

William Thomas Moore, child of Eliza Ann Moore Diamond, is dead and his wife is dead, leaving surviving one child: Leroy Crawford.

Mary Jane Moore, a child of Eliza Ann Moore Diamond, and husband are dead, leaving nine children surviving, namely:

James I. Moore, living.
Minnie Bell Moore, dead leaving husband, William Henry Moore.
Carrie Moore, living.
Theodore Moore, living.
Andray Moore, living.
Sylvester Moore, dead with wife, Odessa living.
Riley Moore, dead with wife, Virginia living.
Mattie Tutten, living.
William David Moore, living.

The area of the land is not definitely determined. There is a conflict in the surveys. A survey by W. E. Duke shows the Eliza Moore Diamond land as containing 22.81 acres, shown on his map dated December 1, 1965, as two tracts, one with 16.71 acres and one tract with 6.1 acres.

The survey of Blake G. Lewis shows one tract of 13.3 acres, which apparently is the same tract which the map of W. E. Duke shows as 16.71 acres.

The boundaries of the land in the original deed are poorly defined with only a general description which depends upon evidence outside the deed to located with any degree of certainty the boundaries of the land.

There is evidence that the heirs of Cora Elizabeth Williams Moore and particularly Clyde Moore used a part of this land for many years by cultivation, located hog pens upon it, used fire wood from the woodland and other usages. This usage was particularly identified with the area designated on the W. E. Duke map as 6.1 acres.

There was also evidence that other heirs of Eliza Ann Moore Diamond also used part of this land, including the 6.1 acres, from time to time.

There were no dates given as to the date of death of any of the deceased persons, which make it impossible for the referee to determine if a widow owns a dower right as a life estate in one third of the land or owns a fee simple in one third.

I have, therefore, used the word "Dower" loosely without determining if it is a life estate or a fee simple one third which will have to be ascertained by determining the date of death with reference to the date dower was abolished.

From the evidence presented and the facts determined by the referee, the referee makes the following conclusions of law:

1. There is not sufficient evidence of adverse possession to ripen title in any of the tenants in common by adverse possession, because of poorly defined boundaries, and the promiscuous use by the different heirs from time to time as to the 6.1 acres tract and also the 13.3 acres or 16.71 acres which ever area is correct, and therefore, the entire tract of land known as the Eliza Ann Moore Diamond land was owned by all of the heirs as tenants in common, part of whom conveyed their interest in parts of the land as will be hereinafter set out.

2. I find the heirs of Betsy Moore Williams and husband, Hynbric Williams, both of whom are dead, and the respective interest owned by each to be as follows:

3. Mary Ann Morning, a child of Betsy Williams, is dead, and Mary Ann Morning owned a 1/35 interest in the Eliza Ann Moore Diamond land.

4. Mary Morning Gay, a child of Mary Ann Morning, is living and owns a 1/140 interest in the Eliza Ann Moore Diamond land.
5. Julia Chapman, a child of Mary Ann Morning, is living and owns a 1/140 interest in the Eliza Ann Moore Diamond land.
6. Lee Morning, a child of Mary Ann Morning, is dead and his wife dead.
7. Alice Morning Williams, the only child of Lee Morning, is living and owns a 1/140 interest in the Eliza Ann Moore Diamond land.
8. Betsy Clemmons, a child of Mary Ann Morning, is dead and her husband is dead, leaving eight children, one of which died without children.
9. Thomas Clemmons, a child of Betsy Clemmons, owns a 1/980 interest in Eliza Ann Moore Diamond land.
10. Randolph Clemmons died without children.
11. Walter Clemmons, a child of Betsy Clemmons, owns a 1/980 interest in Eliza Ann Moore Diamond land.
12. Betty E. Clemmons, child of Betsy Clemmons, owns a 1/980 interest in Eliza Ann Moore Diamond land.
13. William J. Clemmons, a child of Betsy Clemmons, owns a 1/980 interest in Eliza Ann Moore Diamond land.
14. Cora Clemmons, a child of Betsy Clemmons, is the owner of a 1/980 interest in Eliza Ann Moore Diamond land.
15. Mary Clemmons Stitch, a child of Betsy Clemmons, is dead and her husband is dead, leaving two children.
16. Annie Stitch, a child of Mary Clemmons Stitch, owns a 1/1960 interest in Eliza Ann Moore Diamond land.
17. Hattie Adams, a child of Mary Clemmons Stitch, owns a 1/1960 interest in Eliza Ann Moore Diamond land.
18. Richard Clemmons, a child of Betsy Clemmons, is dead and wife, Helen is living, leaving seven children.
19. Bettie C. Williams, a child of Richard Clemmons, owns a 1/6860 interest subject to dower of Helen Clemmons in the Eliza Ann Moore Diamond land.
20. Frank Clemmons, a child of Richard Clemmons, owns a 1/6860 interest in Eliza Ann Moore Diamond land.
21. Richard Lee Clemmons, a child of Richard Clemmons, owns a 1/6860 interest in Eliza Ann Moore Diamond land.

22. Milton Clemmons, a child of Richard Clemmons, owns a 1/6860 interest in Eliza Ann Moore Diamond land.
23. Joyce Whitfield, a child of Richard Clemmons, owns a 1/6860 interest in Eliza Ann Moore Diamond land.
24. Gloria Clemmons, a child of Richard Clemmons, owns a 1/6860 interest in Eliza Ann Moore Diamond land.
25. Alvin Clemmons, a child of Richard Clemmons, owns a 1/6860 interest in Eliza Ann Moore Diamond land.
26. William David Williams, a child of Betsy Williams, is dead, leaving eleven children.
27. King Agrippa Williams, a child of William David Williams, owns a 1/385 interest in Eliza Ann Moore Diamond land.
28. Willie Williams, a child of William David Williams, owns a 1/385 interest in Eliza Ann Moore Diamond land.
29. David Williams, a child of William David Williams, owns a 1/385 interest in Eliza Ann Moore Diamond land.
30. E. K. Williams, a child of William David Williams, owns a 1/385 interest in Eliza Ann Moore Diamond land.
31. Zepporah Williams Rich, child of William David Williams, owns a 1/385 interest in Eliza Ann Moore Diamond land.
32. Isabell Roberson, child of William David Williams, owns a 1/385 interest in Eliza Ann Moore Diamond land.
33. Edgar Williams, child of William David Williams, owns a 1/385 interest in Eliza Ann Moore Diamond land.
34. Cleopatra Bragg, a child of William David Williams, owns a 1/385 interest in Eliza Ann Moore Diamond land.
35. Julius Williams, child of William David Williams, owns a 1/385 interest in Eliza Ann Moore Diamond land.
36. Moses Williams, child of William David Williams, owns a 1/385 interest in Eliza Ann Moore Diamond land.
37. Lovie Williams Willis, child of William David Williams, is dead and her husband is dead, leaving two children.
38. Clarence Willis, child of Lovie Willis, owns a 1/770 interest in Eliza Ann Moore Diamond land.
39. Mildred Moore, child of Lovie Willis, owns a 1/770 interest in Eliza Ann Moore Diamond land.

40. George W. Williams, child of Betsy Williams, is dead and wife is dead, leaving six children.
41. Ethel Jordan, child of George W. Williams, owns a 1/210 interest in Eliza Ann Moore Diamond land.
42. Burl Williams, child of George W. Williams, owns a 1/210 interest in Eliza Ann Moore Diamond land.
43. Ada Willis, a child of George W. Williams, owns a 1/210 interest in Eliza Ann Moore Diamond land.
44. William T. Morning, husband of Sarah Morning, deceased, child of George W. Williams, owns a life estate in 1/210 interest in Eliza Ann Moore Diamond land.
45. Elsie Hill, child of George W. Williams, owns a 1/210 interest in Eliza Ann Moore Diamond land.
46. Tessie Williams, child of George W. Williams, owns a 1/210 interest in Eliza Ann Moore Diamond land.
47. The 1/210 interest of Sarah Morning, deceased, belongs to her five brothers and sisters subject to the life estate or courtesy of her husband, William T. Morning.
48. Cora W. Moore, child of Betsy Williams, is dead and her husband is dead, leaving nine children.
49. Hynbric Moore is dead, a child of Cora W. Moore, and his wife, Sylvia Moore is living; she owns a dower right in 1/315 interest in Eliza Ann Moore Diamond land (part of her interest sold as will appear later).
50. Raymond Moore, child of Cora Moore, is dead and his wife, Essie Moore is living, leaving one child.
51. Essie Moore Laurence, a child of Raymond Moore, owns a 1/315 interest, subject to dower of Essie Moore (part of this interest has been sold as will appear later).
52. Llewellyn Moore, a child of Cora Moore, owns a 1/315 interest in Eliza Ann Moore Diamond land (part of which she has sold as will appear later in report).
53. Clyde Moore, a child of Cora Moore, owns a 1/315 interest in Eliza Ann Moore Diamond land (part of which he sold as will appear later).
54. Fred Moore, a child of Cora Moore, owns a 1/315 interest in Eliza Ann Moore Diamond land (part of which he sold as will appear later).

55. Perlie Moore Rocker, a child of Cora Moore, owns a $1/315$ interest in Eliza Ann Moore Diamond land (part of which has been sold as will appear later).

56. George Washington Moore, a child of Cora Moore, owns a $1/315$ interest in Eliza Ann Moore Diamond land (part of which has been sold as will appear later).

57. James C. Moore, child of Cora Moore, owns a $1/315$ interest in Eliza Ann Moore Diamond land (part of which he sold as will appear later).

58. Jeremiah Moore, child of Cora Moore, owns a $1/315$ interest in Eliza Ann Moore Diamond land (part of which he sold as will appear later).

The last eight named above will own Hynbric Moore's interest, subject to the dower of his wife, Sylvia Moore.

59. Eliza Moore Hammond and husband are both dead, leaving five children.

60. Lorenza Hammond, a child of Eliza Moore Hammond, owns a $1/185$ interest in Eliza Ann Moore Diamond land.

61. Elizabeth Hammond, a child of Eliza Moore Hammond, owns a $1/185$ interest in Eliza Moore Diamond land.

62. Mary M. Hammond Jordan, child of Eliza Moore Hammond, owns a $1/185$ interest in Eliza Ann Moore Diamond land.

63. James Arthur Hammond, child of Eliza Moore Hammond, owns a $1/185$ interest in Eliza Ann Moore Diamond land.

64. Henry Hammond, child of Eliza Moore Hammond, is dead, leaving a wife, Frances Pritchett Hammond living and three children.

65. Frances Pritchett Hammond owns a dower right in $1/185$ interest in Eliza Ann Moore Diamond land.

66. Lee Hammond, a child of Henry Hammond, owns a $1/555$ interest in Eliza Ann Moore Diamond land, subject to dower of Frances Pritchett Hammond.

67. Retha Woodhall, a child of Henry Hammond, owns a $1/555$ interest in Eliza Ann Moore Diamond land, subject to dower of Frances Pritchett Hammond.

68. Eliza Hammond, a child of Henry Hammond, owns a $1/555$ interest in Eliza Ann Moore Diamond land, subject to dower of Frances Pritchett Hammond.

69. William David Moore, and wife, Churchie are both dead, leaving nine children.

70. Ella Bryant, a daughter of William David Moore, is dead, leaving three children.

71. Sarah E. Moore, a daughter of Ella Bryant, owns a 1/189 interest in Eliza Ann Moore Diamond land.
72. Mozella Bryant Stuart, a child of Ella Bryant, owns a 1/189 interest in the Eliza Ann Moore Diamond land.
73. James O'Hara Bryant, a child of Ella Bryant, owns a 1/189 interest in the Eliza Ann Moore Diamond land.
74. Eliza Moore Tillery, a child of William David Moore, and her husband are both dead, leaving one child.
75. Amanda Tillery Jones, daughter of Eliza Moore Tillery owns a 1/63 interest in Eliza Moore Diamond land (part of which has been sold as will be set out hereafter).
76. Sarah Moore Blount, daughter of William David Moore, is dead and her husband is dead, leaving three children.
77. John E. Blount, a child of Sarah Moore Bryant owns a 1/189 interest in Eliza Ann Moore Diamond land.
78. Churchie Moore, child of Sarah E. Moore Blount, owns a 1/189 interest in Eliza Ann Moore Diamond land.
79. Christopher Moore, child of Sarah Moore Blount, owns a 1/189 interest in Eliza Ann Moore Diamond land.
80. George Alexander Moore, child of William David Moore, is dead, leaving five children and a widow, Clara Moore.
81. Timothy Moore, child of George Alexander Moore owns a 1/315 interest in Eliza Moore Diamond land, subject to part sold as will appear later, and subject to dower of Clara Moore.
82. Barnabas Moore, child of George Alexander Moore, owns a 1/315 interest in Eliza Ann Moore Diamond land, subject to dower of Clara Moore.
83. George E. Moore, child of George Alexander Moore, owns a 1/315 interest, subject to dower of Clara Moore, in Eliza Moore Diamond land.
84. Priscilla Moore Williams, owns a 1/315 interest in Eliza Moore Diamond land, subject to dower of Clara Moore.
85. Tasiac Moore, owns a 1/315 interest in Eliza Moore Diamond land, subject to dower of Clara Moore.
86. John Kelley Moore, son of William David Moore, is dead, leaving a wife, Millie Moore, who owns a 1/63 interest, and he left four children.
87. Colonia Bryant, child of John Kelley Moore owns a 1/252 interest in Eliza Moore Diamond land, subject to dower of Millie Moore.
88. Christobell Moore Graves, owns a 1/252 interest in Eliza Moore Diamond land, subject to dower of Millie Moore.

89. Ella Moore Weaver, child of John Kelley Moore, owns a $1/252$ interest in Eliza Moore Diamond land. She has sold parts of this land, subject to dower of Millie Moore.
90. Charlotte Washington, owns a $1/252$ interest in the tract known as the Eliza Moore Diamond land, subject to dower of Millie Moore.
91. William Henry Moore owns a $1/63$ interest in Eliza Moore Diamond land.
92. Eli Moore, child of William David Moore, owns a $1/63$ interest in both 13th and 14th
93. David Webster Moore, a child of William David Moore, is dead leaving a wife, Helen Moore, who is survived by five children.
94. William W. Moore, child of David Webster Moore, owns a $1/315$ interest in Eliza Ann Moore Diamond land, subject to dower of Helen Moore.
95. James Arthur Moore, child of David Webster Moore, owns a $1/315$ interest subject to dower of Helen Moore in Eliza Ann Moore Diamond land.
96. Ernest Moore, child of David Webster Moore, owns a $1/315$ interest in Eliza Ann Moore Diamond land, subject to dower of Helen Moore.
97. Ivey Moore, child of David Webster Moore, owns a $1/315$ interest in Eliza Ann Moore Diamond land, subject to dower of Helen Moore.
98. Alva Adams, child of David Webster Moore, owns a $1/315$ interest in Eliza Ann Moore Diamond land, subject to dower of Helen Moore.
99. Iasiac Moore, child of William David Moore, is dead leaving a wife, Llewellyn Moore and two children.
100. Gora Mae Powell, daughter of Iasiac Moore, owns $1/126$ interest in Eliza Ann Moore Diamond land, subject to dower of Llewellyn Moore.
101. Eddie Moore, child of Llewellyn Moore, owns $1/126$ interest in Eliza Ann Moore Diamond land, subject to dower of Llewellyn Moore.
102. Llewellyn Moore, owns a dower in the Gora Moore Powell and Eddie Moore interest.
103. John Allen Moore, child of Eliza Moore Diamond, is dead and his wife is dead. They left two natural children.
104. Ophelia Moore Keyes, child of John Allen Moore, is dead and her husband is dead.
105. Virginia Bell Moore, only child of Ophelia Moore Keyes, owns $1/14$ interest in Eliza Ann Moore Diamond land.
106. Willie Moore, son of John Allen Moore, is dead leaving a wife, Mary Susan Moore and four children.

107. Mary Susan Moore, widow of Willie Moore, owns a dower right in 1/14 interest in Eliza Ann Moore Diamond land.

108. Sarah E. Moore, child of Willie Moore, and her husband, Clyde Moore, own a 1/56 interest in Eliza Ann Moore Diamond land, subject to dower of Mary Susan Moore.

109. John Allen Moore, son of Willie Moore, owns a 1/56 interest in Eliza Ann Moore Diamond land, subject to dower of Mary Susan Moore.

110. Delsie Moore Smith, daughter of Willie Moore, owns a 1/56 interest in Eliza Ann Moore Diamond land, subject to dower of Mary Susan Moore.

111. Evelyn Moore, daughter of Willie Moore, owns a 1/56 interest in Eliza Ann Moore Diamond land, subject to dower of Mary Susan Moore.

112. The evidence discloses that the children of William David Moore were not adopted and therefore would not inherit the share of William David Moore.

113. Millie Moore, child of Eliza Moore Diamond, is dead and her husband dead; they left three children, one of whom died without marrying.

114. Eliza Moore, wife of Parsly Moore, owned a 1/14 interest, part of which has been sold as will appear later.

115. Arnetia Moore, Barrow, daughter of Millie Moore, is dead and her husband is dead.

116. Almata Moore, widow of William Moore, son of Arnetia Moore Barrow owns a dower in 1/14 interest of Eliza Ann Moore Diamond land.

117. Ethel Mae Wallace, owns 1/14 interest, subject to dower of Almata Moore in Eliza Ann Moore Diamond land.

118. Annie E. Moore, a child of Millie Moore, died never having married.

119. Hezekiah Moore, child of Eliza Ann Moore Diamond, is dead and his wife is dead, leaving eight children.

120. Paul Moore, son of Hezekiah Moore, is dead leaving a widow, Cora Hardy Moore and one child.

121. Cora Hardy owns a dower in 1/56 interest in Eliza Ann Diamond land.

122. Joanna Moore Little, child of Paul Moore owns a 1/56 interest in Eliza Ann Moore Diamond land, subject to dower of Cora Hardy.

123. Julie Moore Roberson, child of Hezekiah Moore, owns a 1/56 interest in Eliza Moore Diamond Land.

124. Shelly Moore and wife, Annie Moore own a 1/56 interest in Hezekiah Moore land.

125. Rosetta Hooker, daughter of Hezekiah Moore, owns a 1/56 interest in Eliza Moore Diamond land.

126. Minerva Moore, child of Hezekiah Moore, owns a 1/56 interest in Eliza Ann Moore Diamond land.
127. Garley Epton Moore, son of Hezekiah Moore, owns 1/56 interest in Eliza Ann Moore Diamond land.
128. Eva Moore Spencer, child of Hezekiah Moore, owns a 1/56 interest in Eliza Ann Moore Diamond land.
129. Ralph Moore, child of Hezekiah Moore, owns a 1/56 interest in Eliza Ann Moore Diamond land.
130. William Thomas Moore, child of Eliza Ann Moore Diamond, is dead and wife is dead, leaving one child.
131. Leroy Crawford, child of William Thomas Moore, owns a 1/7 interest in Eliza Ann Moore Diamond land, part of which he sold as will appear later.
132. Mary Jane Moore and Sylvester Moore are both dead, leaving nine children.
133. James I. Moore, son of Mary Jane Moore and Sylvester Moore owns a 1/63 interest in Eliza Ann Moore Diamond land.
134. Minnie Bell Moore is dead, and her husband, William Henry Moore, owns a 1/63 interest in Eliza Ann Moore Diamond land.
135. Carrie Moore and husband, Samuel Moore own a 1/63 interest in Eliza Ann Moore Diamond land.
136. Theodore Moore owns 1/63 interest in Eliza Ann Moore Diamond land.
137. Audrey Moore and husband, John Allen Moore own a 1/63 interest in Eliza Ann Moore Diamond land.
138. Odessa Moore owns 1/63 interest in Eliza Ann Moore Diamond land.
139. Virginia Moore owns a 1/63 interest in Eliza Moore Diamond land.
140. Mattie Tatten and husband, James Tatten own a 1/63 interest in Eliza Ann Moore Diamond land.
141. William David Moore, owns a 1/63 interest in Eliza Ann Moore Diamond land.
142. By deed dated June 13, 1963, Leroy Crawford conveyed all of his interest, the same being a 1/7 interest in 13.3 acres of the Eliza Ann Moore Diamond land to N. C. Phosphate Corporation and N. C. Phosphate Corporation owns this interest.
143. By deed dated June 13, 1963, Eliza Elizabeth Moore, widow, conveyed all of her interest in 13.3 acres of Eliza Moore Diamond land to N. C. Phosphate Corporation and N. C. Phosphate Corporation is the owner of the same. The interest conveyed is a 1/24 interest in 13.3 acres of Eliza Ann Moore Diamond land.

144. By deed dated July 30, 1963, Timothy Moore and Charlotte Washington conveyed all their interest in 13.3 acres of Eliza Ann Moore Diamond land to N. C. Phosphate Corporation, the interest being: Timothy Moore interest, a 1/315 interest. His wife did not sign deed and this conveyance is subject to her claim as his wife.

Charlotte Washington conveyed her 1/252 interest, but her husband, Elbert Washington did not sign the deed, and this conveyance is subject to the rights of her husband if still living. N. C. Phosphate Corporation owns these interests subject to the respective rights of the wife and husband who did not sign the conveyance.

145. By deed dated July 30, 1963, N. C. Phosphate Corporation became owner of the interest of Clorah V. Moore, Barnabas Moore in 13.3 acres of Eliza Ann Moore Diamond land, interest conveyed being:

Barnabas Moore conveyed his 1/315 interest and Clorah Moore conveyed her dower in 1/63 interest.

146. By deed dated July 30, 1963, N. C. Phosphate Corporation became the owner of the interest of William H. Moore and Sarah Blount; Helen C. Moore; Ivey Moore and wife, Florida Moore; James A. Moore and wife, Virginia Moore; Alva Adams and husband, John Adams in 13.3 acres of Eliza Ann Moore Diamond land, the interest being as follows:

Helen Moore dower in 1/63 interest.
William H. Moore a 1/63 interest.
Ivey Moore and wife, Florida Moore a 1/315 interest, subject to dower of Helen Moore.
Alva Adams and husband, John Adams a 1/315 interest, subject to dower of Helen Moore.
James A. Moore and wife, Virginia Moore a 1/315 interest, subject to dower of Helen Moore.
The evidence discloses that Sarah Blount is dead and if she owns an interest, it is unknown.

147. By deed dated August 5, 1963, N. C. Phosphate Corporation became the owner of the interest of Ernest Moore and wife, Mary Moore; George E. Moore and wife, Mary Moore; Colonia Bryant and husband, Stanley Bryant; James Tillery, Leon Jones and Amanda Jones in 13.3 acres of the Eliza Ann Moore Diamond land, the interest conveyed being as follows:

Ernest Moore and wife, a 1/315 interest, subject to dower of Helen Moore.
Colonia Bryant and husband, Stanley Bryant, a 1/252 interest, subject to dower of Millie Moore.
George E. Moore and wife, a 1/315 interest, subject to dower of Clorah Moore.
Leon Jones and wife, Amanda Jones a 1/63 interest.
Unable to find any interest of James Tillery.

148. By deed dated March 25, 1963, N. C. Phosphate Corporation became the owner of all interest of Fred Moore and wife, Geneva Moore; Clyde Moore and wife, Sarah E. Moore; Essie Moore, widow; Essie Moore Long and husband, Milton Long; George W. Moore and wife, Alta Moore; Jeremiah Moore and wife, Catherine Moore; Sylvia Moore, widow; Pearl Moore Rucker and husband, Ules Rucker; Llewellyn Moore and husband, William A. Moore, and James C. Moore and wife, Mary Moore in 6.1 acres of the Eliza Ann Moore Diamond land. The interest being as follows:

Fred Moore and wife, a $1/315$ interest in 6.1 acres.
Clyde Moore and Sarah, a $1/315$ interest in 6.1 acres.
Essie Moore, widow, dower in $1/315$ interest in 6.1 acres.
Essie Moore Long and husband, $1/315$ interest in 6.1 acres.
George W. Moore and wife, a $1/315$ interest in 6.1 acres.
Jeremiah Moore and wife, a $1/315$ interest in 6.1 acres.
Sylvia Moore, widow, a $1/315$ interest in 6.1 acres.
James C. Moore and wife, a $1/315$ interest in 6.1 acres.
Pearl Moore Rucker and husband, a $1/315$ interest in 6.1 acres.
Llewellyn Moore and husband, William, a $1/315$ interest in 6.1 acres.

149. By deed dated December 3, 1963, N. C. Phosphate Corporation became the owner of the interest of Priscilla Williams and husband, David Williams in 13.3 acres of the Eliza Ann Moore Diamond land, the same being a $1/315$ interest, subject to dower of Clara Moore.

150. By deed dated November 5, 1963, N. C. Phosphate Corporation became the owner of the interest of Mary Williams Morning in 13.3 acres of Eliza Ann Moore Diamond land, the interest being as follows: The evidence discloses that she is dead and unable to ascertain that she owns any interest.

151. By deed dated November 5, 1963, N. C. Phosphate Corporation became the owner of the interest of Ethel Jordan, widow, in 13.3 acres of Eliza Ann Moore Diamond land, the interest being a $1/210$ interest.

152. By deed dated November 6, 1963, N. C. Phosphate Corporation became the owner of the interest of Julius R. Williams and wife, Alice Williams in the 13.3 acres of Eliza Ann Moore Diamond land, the interest being a $1/385$ interest.

153. By deed dated July 30, 1963, Gora M. Powell and husband, William Powell; Mrs. Earl Moore; Eddie Moore; Charlotte Washington and husband, Elbert Washington; Christobell Graves and husband, Joseph Graves; Eli D. Moore; James Bryant; Mozella Stewart and husband, Walter Stewart; Sarah Moore and husband, Zallie Moore; Ella Weaver and husband, Haywood Weaver; Llewellyn Moore and husband, William Moore conveyed their interest to N. C. Phosphate Corporation in 13.3 acres of Eliza Ann Moore Diamond land. The interest being as follows:

Charlotte Washington and Elbert Washington a 1/252 interest, subject to dower of Millie Moore. Charlotte Washington had previously conveyed her interest to same grantee, but husband did not join.

Christoball Graves and husband, Joseph Graves a 1/252 interest, subject to dower of Millie Moore.

Ella Weaver and husband, Haywood Weaver a 1/252 interest, subject to dower of Millie Moore.

Mozella Stewart and husband, Walter Stewart a 1/189 interest.

James Bryant, a 1/189 interest.

Eli D. Mocre, a 1/63 interest.

Eddie Moore, a 1/126 interest, subject to rights of wife, who did not sign her name, Earle Moore.

Sarah Moore and husband, Zallie Moore, a 1/189 interest.

Mozella Stewart and husband, Walter Stewart, a 1/189 interest.

Gora Powell and husband, William Powell, a 1/126 interest, subject to dower of Ellewelyn Moore.

James Bryant, a 1/189 interest.

Ellewelyn Moore and William Moore, a 1/315 interest.

Unable to find any interest of Mrs. Earle Moore from record evidence.

All the above conveyances to N. C. Phosphate Corporation were introduced in evidence by deeds, and the Referee has made his findings based upon the deeds introduced in evidence.

There has been a memorandum sent to the Referee that Texas Gulf Sulphur Company has acquired the interest of some of the heirs in all or part of the land, however, since these deeds were not introduced in evidence at the hearing, the Referee makes no specific findings as to any such conveyances; but only makes the observation that any conveyances to Texas Gulf Sulphur Company would carry the interest owned by the grantor; and although the deeds to Texas Gulf Sulphur Company are not formally a part of the record, they would nevertheless own whatever share in the land they acquired from any of the tenants in common of the property.

Finally, the Referee would like to make the observation that this has been a most difficult matter to attempt to solve. It is hoped that my findings and conclusions will reflect the truth to at least a reasonable degree.

Respectfully submitted this 18th day of November, 1968.

Clarence M. Guffin
REFeree

NORTH CAROLINA
BEAUFORT COUNTY

IN THE SUPERIOR COURT

Clifford Moore, et als)

vs.)

North Carolina Phosphate)
Corporation, et als)

ADDENDUM

Three and one half days were consumed for the hearing of evidence in the above entitled case.

Approximately seventy-five hours were spent by the Referee studying the evidence and making the report.

There was deposited for the use of the Referee the sum of \$1750.00. The Referee paid Mrs. Katharine Bridgers, the Court Reporter, the sum of \$282.11 for taking and transcribing the evidence, which was the total of her bill and which has been paid in full. This left for the Referee the sum of \$1467.89 for the use of the Referee.

This case has given the Referee considerable concern and I have found it a most difficult task. It has been both difficult and confusing. I only hope that my honest effort and findings have to a reasonable degree reflected the truth.