

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

UNITED STATES OF AMERICA
upon the relation and
for the use of the
TENNESSEE VALLEY AUTHORITY

Petitioner

v.

JAMES DeHART
ODESSA JACKSON DeHART, his wife
JOHN COLLINS
MINNIE ETTA COLLINS, his wife

Respondents

FILED

Nov. 13, 1948

CLERK, U.S. DIST. COURT

No. 697

FINAL DECREE

This cause came on to be finally heard upon the petition for condemnation; declaration of taking; decree 660 confesso against all respondents; report of the Special Master; award of the Commissioners; and the entire record in this cause, from all of which it appears that:

I

The Tennessee Valley Authority is a corporation created by and duly incorporated pursuant to an act of Congress approved May 18, 1933, and is authorized to exercise in the name of the United States of America the right of eminent domain and to condemn all real estate, and rights and interest therein, deemed necessary by it for carrying out the purposes of the Tennessee Valley Authority Act, and the property herein condemned is necessary for such purposes.

II

All parties interested directly or indirectly in the property hereinafter described have been served with process personally or by publication and the said property and all parties interested therein are within the jurisdiction of this Court, which has power and authority to enter this judgment.

III

in

At the time of the filing of the declaration of taking this cause, James DeHart owned an undivided 7/576th interest in fee simple in the hereinafter described property, and Odessa Jackson DeHart, wife of James DeHart, owned marital rights therein.

No other respondent had any right, title, estate, or interest in said property.

By proper order of this court, the entire fund has heretofore been applied to the payment of taxes which constituted liens against said property, and such liens are thereby discharged.

IV

The petitioner upon filing the declaration of taking in this cause, deposited in the Registry of this Court the sum of Nine Dollars One Cent (\$9.01) as its estimate of the value of the property condemned, and the Commissioners *Awarded said sum of nine dollars one cent (\$9.01) as the true value of 2.4225 just compensation for said property.* and the entire fund has heretofore been disbursed by proper order of this Court.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that:

1. The report of the Special Master, to which no exceptions were taken, be and the same is hereby fully and finally confirmed.
2. The sum of Nine Dollars One Cent (\$9.01), awarded by the Commissioners, is hereby decreed to be the true value of and just compensation for the property herein condemned.
3. The divestiture of title, as evidenced by the declaration of taking filed on July 5, 1946, by virtue of which all right, title, claim, and interest of every kind, nature, and character, in and to an undivided 7/576ths interest in the following described property, to wit:

Tract FR-1009

A tract of land lying in Charleston Township of Swain County, State of North Carolina, on the right side of the Tuckasegee River, approximately 1-1/2 miles southeast of the confluence of Indian Creek and Noland Creek, and more particularly described as follows:

Beginning at a point at the top of a ridge, a corner of the lands of A. E. Bradshaw, and Charley C. McLean, and the most southerly point of the tract herein described; thence with Charley C. McLean's, and Ben Lollis et ux's line and the top of a ridge as it meanders in a northerly direction approximately along the following bearings and distances: N. 19° 00' W., 3030 feet, N. 1° 00' W., 260 feet, N. 48° 00' W., 550 feet to a 24 inch white oak stump at an

NOTE: The bearings given in the above description are based on the North Carolina State Coordinate System, Lambert Projection, as established by the U. S. Coast and Geodetic Survey. The central meridian for this coordinate system is located at Longitude ~~89~~⁸⁷° 00' W.

4. The Clerk of this Court shall furnish to the petitioner a certified copy of this decree which is a muniment of title.

/s/ E. Y. Webb
Judge

THE UNITED STATES OF AMERICA)
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) SS
WESTERN DISTRICT OF NORTH CAROLINA)

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the said District Court, at Asheville,
North Carolina, this 13 day of November, A. D., 1948.

O. L. McLurd CLERK
o. L. McLurd

STATE OF NORTH CAROLINA)
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COUNTY OF SWAIN)

Let the instrument, and the certificate be registered, this 3rd day of December, 1948.

Filed for Registration at 2:00 o'clock P. M., December 3, 1948 and registered in the office of the Register of Deeds for Swain County, North Carolina, in Book 72, page 380, December 9, 1948.

Eliza De Hart
Deputy Register of Deeds