

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 pro 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 in 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 and as just compensation for the property.~~ and the entire fund has heretofore been disbursed by 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

intersection of ridges, due north, 900 feet to a point, a corner of the lands of Ben Lollis et ux, and Miley Woodard; thence, leaving the ridge and with Miley Woodard's line S. 78° 00' E., 650 feet to an 18 inch ash tree; thence S. 46° 00' E., 260 feet to an 8 inch lynn tree; thence S. 66° 00' E., 1210 feet to a stake; thence N. 73° 00' E., 560 feet, crossing Peachtree Creek at approximately 60 feet, to a point; thence S. 20° 30' E., 250 feet to a pine stump at the top of a ridge, a corner of the lands of Miley Woodard, and A. E. Bradshaw; thence with A. E. Bradshaw's line S. 20° 30' E., 2750 feet to a stake, a corner of the lands of A. E. Bradshaw, and Julia Burns; thence with Julia Burns', and A. E. Bradshaw's line S. 67° 30' W., 2350 feet, passing a stake at 1280 feet and crossing Peachtree Creek at 1325 feet, to the point of beginning, and containing 190. acres, more or less, subject to such rights as may be vested in the county or state to rights of way for public roads, and subject to any outstanding mineral rights not owned by the respondents herein.

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 79° 00' W.

and every part thereof, was divested out of each and every respondent in this cause and vested in the United States of America in fee simple, free of all liens, claims, and encumbrances, except as hereinabove shown, is hereby fully and finally confirmed.

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

Done this 12 day of November, 1948.

/s/ E. Y. Webb  
Judge

CX-583

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

I, O. L. McLurd, Clerk of the District Court of the United States, within and for the District aforesaid, do hereby certify that the foregoing printing and typewriting is a true, full, correct, and complete copy of the original final decree entered in Docket Book 6, page 74, on the 13 day of November, 1948, on file and remaining of record in my office in the matter of United States ex rel. Tennessee Valley Authority v. James DeHart et al., No. 697.

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.

*U.S. District Court seal affixed*

O. L. McLurd CLERK  
O. L. McLurd

By V. E. Bartlett  
Deputy Clerk

STATE OF NORTH CAROLINA )  
)  
COUNTY OF SWAIN )

The foregoing certificate of O. L. McLurd, Clerk, by W. A. Lytle, Deputy Clerk of the District Court of the United States, for the Western District of North Carolina, duly authenticated by the official seal of said court thereto affixed, is adjudged to be correct, in due form, and according to law.

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

H. J. Truett  
Clerk Superior Court  
Swain County, North Carolina

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