

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

I, J.Y. Jordan, 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 4, page 139, on the 21 day of April, 1947, on file and remaining of record in my office in the matter of the United States ex rel. Tennessee Valley Authority v. Jessie Calvin Welch, et al., No. 498.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the said District Court, at Asheville, North Carolina, this 21 day of April, A.D., 1947.

J.Y. Jordan Clerk

By O.L. McLurd Deputy Clerk

U.S. District Court Seal Affixed

STATE OF NORTH CAROLINA

SWAIN COUNTY

The foregoing certificate of J.Y. Jordan, Clerk, by O.L. McLurd, 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 certificates be registered, this 30 day of April, 1947.

Annie Mae Truett
Deputy Clerk Superior Court
Swain County, North Carolina

Filed for Registration at 11: o'clock, A.M., April 30, 1947, and registered in the office of the Register of Deeds for Swain County, North Carolina, in Book 71, page 571, May 9, 1947.

E. J. Seay
Register of Deeds

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

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

Petitioner

v.

SEWALL B. MONTEITH
ARNOLD E. BRADSHAW
MEETER BRADSHAW, his wife

Respondents

No. 518

FINAL DECREE

This cause came on to be finally heard upon the petition for condemnation as amended; declaration of taking as amended; answer of respondents Arnold E. Bradshaw and Meeter Bradshaw, his wife; decree pro confesso against Sewall B. Monteith and Henry J. Truett, Clerk of the Superior Court of Swain County, North Carolina; reports 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 interests 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 the parties interested directly or indirectly in the land hereinafter described have been served with process personally or accepted service, and the said land and all claimants and parties interested therein are within the jurisdiction of this Court, which has power and authority to enter this judgment.

III

At the time of the filing of the declaration of taking in this cause Arnold E. Bradshaw was seized and possessed of the fee simple title to the said property herein condemned, subject to the inchoate right of dower of his wife, Meeter Bradshaw.

None of the other respondents herein had any right, title, claim or interest in the property condemned.

All taxes levied and assessed against the said property by Swain County have been paid and the liens discharged.

IV

The petitioner, upon filing the declaration of taking in this cause, deposited the sum of One Thousand One Hundred Twenty-five Dollars (\$1,125) as its estimate of the value of the property herein condemned, and pursuant to the Commissioner's award the petitioner deposited the further sum of Five Hundred Thirty-one Dollars (\$531) with interest thereon in the sum of Eighty-four Dollars and Seven Cents (\$84.07), making the total sum of One Thousand Seven Hundred Forty Dollars and Seven Cents (\$1,740.07) deposited herein as the true value of and as just compensation for the property herein condemned, all of which fund has heretofore been disbursed by proper order of this Court.

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

1. The reports of the Special Master, to which no exceptions were filed, be and the same are fully and finally confirmed.
2. The award of the Commissioners, to which no exceptions were filed, awarding the sum of One Thousand Six Hundred Fifty-Six Dollars (\$1,656) as the true value of and as just compensation for the property herein condemned by and the same is hereby fully and finally confirmed.
3. The divestiture of title as evidenced by the declaration of taking filed on May 24, 1944, by virtue of which all right, title, claim, and interest of every kind, nature, and character in and to the following described property, to-wit:

Tract FR-1022

A tract of land lying in Forneys Creek Township of Swain County, State of North Carolina, on the right side of the Tuckasegee River, approximately 1 mile southwest of the confluence of Indian Creek and Noland Creek, and more particularly described as follows:

Beginning at a point in the center line of Noland Creek on the north side of a public road, a corner of the lands of the Nantahala Power & Light Company, W.T. Jenkins, and Phillip G. Rust; thence with Phillip G. Rust's line N. 6° 00' E., 2000 feet to a point; thence N. 85° 00' W., 490 feet to a point at the top of a ridge; thence with the top of the ridge as it meanders approximately along the following bearings and distances; N. 43° 00' W., 360 feet, N. 19° 00' W., 360 feet; N. 50° 00' W., 500 feet, N. 15° 00' W., 396 feet to a point; thence, leaving the ridge, N. 85° 00' E., 1140 feet to a stone at the top of a ridge, a corner of the lands of Phillip G. Rust, and the Phoebe Jane Bowers Heirs; thence with the Phoebe Jane Bowers Heirs' line and the top of a ridge as it meanders approximately along the following bearings and distances: S. 15° 00' E., 460 feet; S. 1° 00' E., 420 feet; S. 33° 00' E., 435 feet to a point; thence, leaving the ridge, S. 40° 00' E., 200 feet, crossing a public road at approximately 100 feet, to a point in the center line of Noland Creek witnessed by a double locust tree, a corner of the lands of the Phoebe Jane Bowers Heirs, and the Nantahala Power & Light Company; thence with the said Company's line and the center line of the creek as it meanders downstream approximately 3390 feet to the point of beginning, and containing 72, acres, more or less, subject to such rights as may be vested in the county or state to rights of way for public roads.

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 4 day of April, 1947.

E.Y. Webb
Judge

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

I, J.Y. JORDAN, 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 5, page 148, on the 4th day of April, 1947, on file and remaining of record in my office in the matter of United States ex rel. Tennessee Valley Authority v. Sewall B. Montieth, et al., No. 518.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the said District Court, at Asheville, North

Carolina, this 4th day of April, A.D., 1947.

J.Y. Jordan Clerk

By W.A. Lytle
Deputy Clerk

Seal affixed

STATE OF NORTH CAROLINA

SWAIN COUNTY

The foregoing certificate of J.Y. Jordan, 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 certificates be registered, this 14 day of April, 1947.

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

Filed for Registration at 9:00 o'clock A.M., April 14, 1947, and registered in the office of the Register of Deeds for Swain County, North Carolina, in Book 71, page 573, May 9, 1947.

E. J. Seay
Register of Deeds
