

CX-583

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

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 107, on the 3rd day of May, 1946, in file and remaining of record in my office in the matter of United States ex rel. Tennessee Valley Authority v. Elizabeth W. Welch, et al., No. 482.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the said District Court, at Asheville, North Carolina, this 3rd day of May, A.D., 1946.

U.S. District Court Seal Affixed:

J.Y. Jordan Clerk
By O.L. McLeod Deputy Clerk

STATE OF NORTH CAROLINA SWAIN COUNTY

The foregoing certificate of J.Y. Jordan, Clerk, by O.L. McLeod, 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 27th day of May, 1946.

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

Filed for Registration at 9:25 o'clock A.M., May 27, 1946, and registered in the office of the Register of Deeds for Swain County, North Carolina, in Book 71, page 67, June 12, 1946.

E. J. Seay
Register of Deeds

Tract No. FR-1034
Vol. No. 44-113660

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.

LOUIS E. HUNTER
ESTELLA HUNTER, his wife
ELIZABETH MARSHALL KEYS
STOCKHOLDERS AND CREDITORS, as a
class, of NORWOOD LUMBER COMPANY,
a corporation
UNKNOWN PARTIES IN INTEREST
Respondents

Filed
May 3, 1946
CLERK, U.S. DIST COURT
No. 516

FINAL DECREE

This cause came on to be finally heard upon the petition for condemnation; declaration of taking; answer of Elizabeth Marshall Keys; decree pro confesso against all the other 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 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 by publication, 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 judgement.

III

At the time of the filing of the declaration of taking in this cause, the property herein condemned was owned in fee simple by the stockholders of the Norwood Lumber Company and those claiming under the stockholders of said company.

All taxes which constituted a lien against said property have been paid out of the funds on deposit in this cause and the lien discharged.

IV

The petitioner, upon filing the declaration of taking in this cause, deposited the sum of Five Hundred Eight Dollars and Fifty Cents (\$508.50) as its estimate of just compensation, and the Commissioners awarded the said sum as the true value of and as just compensation for the property condemned, all of which funds have 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 filed, be and the same is fully and finally confirmed.
2. The award of the Commissioners heretofore entered in this cause, to which no exceptions were filed, be and the same is fully and finally confirmed.
3. The divestiture of title as evidenced by the declaration of taking filed in this cause on May 22, 1944, by virtue of which all right, title, claim, and interest of every kind, mature, and character in and to the following described property, to-wit:

Tract FR-1034

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 2 miles west of the confluence of Indian Creek and Noland Creek, and more particularly described as follows:

Beginning at a 14 inch pine tree at the top of a ridge, a corner of the lands of A.C. Hyatt et ux, and Will Jenkins, and the most southerly point of the tract herein described; thence with Will Jenkin's line N. 65° 00' W., 1170 feet to a point; thence N. 70° 00' E., 680 feet to a point; thence N. 5° 00' E., 1770 feet to a 12 inch black oak tree, a corner of the lands of Will Jenkins, and the United States Department of Interior (Great Smoky Mountains National Park); thence with the Park's boundary line N. 47° 52' E., 530 feet to a point; thence N. 40° 09' E., 62 feet to a point at the top of Tunnel Ridge, a corner of the lands of the United States Department of Interior (Great Smoky Mountains National Park), and Phillip G. Rust; thence with Phillip G. Rust's line and the top of the ridge as it meanders in a southerly direction approximately 1980 feet to a 6 inch hickory tree, a corner of the lands of Phillip G. Rust, and A.C. Hyatt et ux; thence with A.C. Hyatt's line and the top of a spur ridge as it meanders approximately along a bearing and distance of S. 38° 00' W., 1300 feet to the point of the beginning, and containing 56. 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.

Mineral interests in said tract not owned by respondents herein are not sought to be condemned by these proceedings. and every part thereof, was divested out of each and every respondent in this cause and was 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 2 day of May, 1946.

E.Y. WEBB
Judge, United States District Court

CX-583

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 18, on the 3rd day of May, 1946, as filed and remaining of record in my office in the matter of the United States ex rel. Tennessee Valley Authority v. Louis E. Hunter, et al., No. 516.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the said District Court, at Asheville, North Carolina, this the 3 day of May, A.D., 1946.

U.S. Dist. Court
Seal Affixed:

J.W. JORDAN CLERK
By O.L. McLeod Deputy Clerk

STATE OF NORTH CAROLINA, SWAIN COUNTY

The foregoing certificate of J.W. Jordan, Clerk, by O.L. McLeod, 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 27 day of May, 1946.

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

Filed for Registration at 9:10 O'clock A.M., May 27, 1946, and registered in the office of the Register of Deeds for Swain County, North Carolina, in Book 71, page 69, June 12, 1946.

E. J. Truett
Register of Deeds

Tract No. FRR-44
Vol No. 46-47239

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.

SIM A. DEHART
ALETHAE (LETHA) JANE GALBRAITH

Respondents

May-3-1946

F I L E D

CLERK, U.S. DIST COURT

No. 442

FINAL DECREE

This cause came on to be finally heard upon the petition for condemnation; declaration of taking; answer of Sim A. DeHart; decree pro confesso against Alethae (Letha) Jane Galbraith; 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 by acceptances of 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 judgement.

III

At the time of the filing of the declaration of taking in this cause, the property herein condemned was owned in fee simple by Sim A. DeHart, and no party other than Sim A. DeHart had any right, title, interest, or estate in said property.

All taxes which constituted a lien against said property have been paid and the lien discharged.

IV

The petitioner, upon filing the declaration of taking in this cause, deposited the sum of One Thousand Two Hundred Fifty Dollars (\$1,250) as its estimate of the value of the property herein condemned. The Commissioners awarded the sum of Two Thousand Two Hundred Sixty-four Dollars (\$2,264) as the true value of and as just compensation for said property. The additional sum of One Thousand Fourteen Dollars (\$1,014), plus interest in the amount of One Hundred Sixty-three Dollars and Forty-two Cents (\$163.42), has been deposited in the registry of this Court by petitioner,