

UNITED STATES
IN THE DISTRICT COURT
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) No. 613
v.)
CRATE ANDERSON, if living)
"MARY ANDERSON, his wife, said name)
"Mary" being fictitious and)
otherwise unknown)
UNKNOWN HEIRS, DEVISEES, EXECUTORS)
ADMINISTRATORS, CREDITORS, AND)
SUCCESSORS IN TITLE of)
Crate Anderson)
SEYMOUR J. CALHOUN)
Respondents)

FINAL DECREE

This cause came on to be finally heard upon the petition for condemnation; declaration of taking; answer of the respondents Crate Anderson, if living, "Mary" Anderson, said name "Mary" being fictitious and otherwise unknown, and/or unknown heirs, devisees, executors, administrators, creditors, and successors in title of Crate Anderson, by their duly authorized military attorney; decree pro confesso against Seymour J. Calhoun; award of the Commissioners report of the Special Master; and the entire record in this cause, from all of which the Court finds 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 provisions 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 property hereinafter described have been served with process personally or by publication and the said property and all claimants and parties interested therein are within the jurisdiction of this Court, which has power and authority to enter this judgment.

III

It appears from the report of the Special Master filed in this cause that at the time of the filing of the declaration of taking herein Ed Anderson, father and sole surviving heir of Crate Anderson, deceased, owned an undivided One-One Hundred and Eight (1/108) interest in fee simple in the property hereinafter described.

County taxes for the year 1945 constituted a lien upon said property but have since been paid and the lien thereof discharged.

IV

Petitioner, upon filing the declaration of taking in this cause, deposited in the registry of this Court the sum of One Hundred Twenty-six Dollars and Forty Seven Cents (\$126.47) as its estimate of ~~###~~ just compensation for the taking of the respondents' interest in the property condemned, and the Commissioners awarded said sum of One Hundred Twenty-Six Dollars and Forty Seven cents (\$126.47) as just compensation for the taking of said interest in said property. The entire sum 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 filed, is hereby fully and finally confirmed.

2. The sum of One Hundred Twenty-six Dollars and Forty-seven Cents (\$126.47) awarded by the Commissioners is hereby decreed to be just compensation for the taking of the respondents' interest in the property hereinafter described.

3. The divestiture of the title to the respondents' interests in the following described land out of each and every respondent in this cause and the vesting thereof in the United States of America, free of all liens, claims, and encumbrances, except as hereinafter shown, as evidenced by the declaration of taking filed on February 12, 1945, are hereby fully and finally confirmed. Said land in which an undivided one-Hundred and Eighth (1/108) interest is condemned herein is described as follows:

Tract FR-1137

A tract of land lying in Forneys Creek Township, Swain, County, State of North Carolina, on the left bank of the Bone Valley Creek tributary to Hazel Creek, approximately 4-1/2 miles northeast of Proctor, and more particularly described as follows:

Beginning at a point in the center line of Bone Valley Creek and in the west boundary line of the tract herein described, a corner of the lands of J.G. Stikeleather et al, and the U.S. Department of Interior (Great Smoky Mountains National Park), the said point being approximately 80 feet upstream from a stone at the mouth of Horse Cove Branch; thence with the Park Boundary Line along the following bearings and distances: N. 47° 19' E., 184 feet; N. 20° 13' E., 305 feet; N. 39° 56' E., 173 feet; N. 16° 37' E., 91 feet; N. 1° 10' E., 92 feet; N. 8° 54' E., 202 feet; N. 11° 11' W., 104 feet; N. 56° 59' E., 413 feet; N. 22° 09' E., 82 feet; N. 62° 52' E., 115 feet; N. 34° 06' E., 157 feet; N. 6° 01' E., 156 feet; N. 31° 17' E., 245 feet; N. 40° 21' E., 174 feet; N. 74° 09' E., 145 feet; N. 80° 35' E., 104 feet; N. 84° 05' E., 173 feet; N. 80° 00' E., 98 feet; N. 69° 43' E., 113 feet; N. 46° 30' E., 101 feet; N. 0° 57' W., 135 feet; N. 20° 15' E., 232 feet; N. 43° 22' E., 130 feet; N. 34° 24' E., 139 feet; N. 52° 09' E., 124 feet; N. 43° 25' E., 106 feet; N. 80° 13' E., 88 feet; S. 86° 12' E., 51 feet; N. 69° 39' E., 191 feet; N. 65° 39' E., 119 feet; N. 59° 47' E., 90 feet; N. 35° 30' E., 152 feet; N. 82° 12' E., 854 feet; S. 65° 07' E., 301 feet; N. 87° 19' E., 146 feet; S. 69° 20' E., 66 feet; N. 88° 58' E., 131 feet; S. 79° 55' E., 111 feet; S. 89° 32' E., 178 feet; N. 79° 03' E., 135 feet; N. 82° 41' E., 341 feet; N. 49° 33' E., 96 feet; N. 50° 57' E., 407 feet; N. 57° 23' E., 203 feet; N. 42° 49' E., 137 feet; N. 59° 28' E., 176 feet; N. 56° 04' E., 146 feet; N. 80° 25' E., 92 feet; N. 66° 50' E., 143 feet; N. 58° 36' E., 152 feet; N. 83° 40' E., 91 feet; N. 63° 00' E., 124 feet; N. 74° 37' E., 134 feet; N. 59° 59' E., 145 feet; N. 49° 42' E., 221 feet; N. 60° 49' E., 102 feet; N. 57° 25' E., 249 feet; N. 81° 07' E., 106 feet; N. 66° 12' E., 191 feet; S. 88° 28' E., 180 feet; N. 84° 29' E., 81 feet; S. 74° 09' E., 164 feet to a stake at the top of Locust Ridge, a corner of the lands of the U.S. Department of Interior (Great Smoky Mountains National Park), and J.G. Stikeleather et al; thence with J.G. Stikeleather's line and the top of the ridge as it meanders in a southerly direction approximately 6030 feet to a point; thence, leaving the ridge, along the following bearings and distances: N. 79° 00' W., 400 feet; S. 5° 00' W., 1293 feet; N. 83° 30' W., 3220 feet; N. 68° 30' E., 2640 feet; N. 26° 30' W., 1650 feet; S. 68° 30' W., 2640 feet; S. 26° 30' E., 1650 feet; N. 83° 30' W., 3240 feet to a stake, a corner of the lands of J.G. Stikeleather et al, and John Calhoun; thence with John Calhoun's line N. 60° 00' W., 170 feet to a stake; thence S. 63° 00' W., 140 feet to a stake, a corner of the lands of John Calhoun, and J.G. Stikeleather et al; thence with J.G. Stikeleather's line N. 83° 30' W., 900 feet to a stone in the center line of Bone Valley Creek; thence with the center line of the creek as it meanders upstream approximately 1390 feet to the point of beginning, and containing 668 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.

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

Done this 7th day of October, 1950.

Wilson Warlick
Judge

We hereby consent to the entry of the foregoing decree:

Joseph C. Swidler

Joseph C. Swidler
General Counsel
Tennessee Valley Authority
Knoxville, Tennessee

Attorney for Petitioner

Reed Kitchin

Reed Kitchin
Attorney at law
Asheville, North Carolina

Military Attorney for the respondents. Crate Anderson, "Mary" Anderson, and unknown heirs, devisees, executors, administrators, creditors, and successors in title of Crate Anderson

THE UNITED STATES OF AMERICA)
) SS

WESTERN DISTRICT OF NORTH CAROLINA)

I, O.L. McLurd, Clerk of the District Court
aforesaid, do hereby certify that the foregoing pri
complete copy of the original final decree entered
1950, on file and remaining of Record in my office
Valley Authority v. Crate Anderson et al. No. 613.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the said District Court, at Asheville,
North Carolina, this 10th day of October, A.D., 1950.

O.L. McLurd Clerk
By W.A. Lytle
Deputy Clerk

DISTRICT COURT SEAL AFFIXED

STATE OF NORTH CAROLINA)

1. *On the other hand, the author's argument is not that the* *two* *types of* *institutions* *are* *equally* *important* *in* *the* *same* *society*.

SWAIN COUNTY

The foregoing certificate of O.L. McLurd, Clerk of the District Court of the United States for the Western District of North Carolina, by W.A. Lytle, Deputy Clerk, 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 14 day of October, 1950.

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

Filed for Registration ##### at 10:30 o'clock A.M., October 14, 1950, and registered in the office of the Register of Deeds for Swain County, North Carolina, in Book 74, page 146, October 24, 1950.

Eliza De Hart
Deputy Register of Deeds