

STATE OF NORTH CAROLINA, SWAIN COUNTY

The foregoing certificate of James Denman, a Notary Public of Clay County, North Carolina, attested by his official seal, is adjudged to be correct. Let the instrument, and the certificate, be registered.

WITNESS my hand this 9 day of September, A. D., 1944.

H. J. Truett  
Clerk Superior Court

Filed for registration on the 9 day of September, 1944, at 1:45 o'clock, P. M., and registered in the office of the Register of Deeds for Swain County, North Carolina, 9 day of September, 1944, at 4:00 o'clock, P. M., in Book 67 of Deeds, and Page 584, etc.

*D. R. Welch*  
D. R. Welch, Deputy Register of Deeds  
Swain County, North Carolina.

FR-1156  
Vol. No. 44-113658

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.

ED D. CABLE  
BELLE Q. CABLE, his wife  
Respondents

NO. 515

FILED SEP 5 - 1944  
CLERK, U. S. DIST COURT

FINAL DECREE

This cause came on to be finally heard upon the petition for condemnation; declaration of taking; agreement of the parties herein; 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 publication, and the said land together with 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 the property herein condemned was owned by Ed D. Cable in fee simple, by virtue of deed recorded in Deed Book 64, page 488, Records of Swain County, North Carolina, said property being subject to a lien for taxes for the year 1944.

IV

The petitioner, upon filing the declaration of taking in this cause, deposited Thirty-five Hundred Dollars (\$3500) as its estimate of the value of the property herein condemned. Subsequently thereto the petitioner and the respondents entered into an agreement under the terms of which Four Thousand and Forty-seven Dollars and Fifty-five Cents (\$4,047.55), interest being expressly waived, would be paid by petitioner and accepted by respondents as the true value of and as just compensation for said property, and hereby waive any hearing before the commissioners or other tribunal for the purpose of determining the compensation to be paid therefor. Pursuant thereto, the additional sum of Five Hundred Forty-seven Dollars and Fifty-five Cents (\$547.55) has been deposited in the Registry of this Court, making a total deposit of Four Thousand and Forty-seven Dollars and Fifty-five Cents (\$4,047.55), all of

which funds are hereinafter ordered disbursed in paragraphs 3 and 4 hereof.

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

1. The compromise settlement agreed upon between the parties is hereby confirmed and Four Thousand and Forty-seven Dollars and Fifty-five Cents (\$4,047.55) is hereby decreed to be the true value of and just compensation for the property herein condemned.

2. The divestiture of title as evidenced by the declaration of taking filed on May 22, 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-1156

A tract of land lying in Forneys Creek Township of Swain County, State of North Carolina, on the right side of Hazel Creek, approximately 1/2 mile northwest of its confluence with Proctor's Mill Creek, and more particularly described as follows:

Beginning at a 6 inch dogwood tree, a corner of the lands of Dee Cable et ux, and A. J. Watkins, and the most westerly point of the tract herein described; thence with A. J. Watkins' line N. 46° 00' E., 590 feet, passing a stake at 570 feet, to a point in the center line of the Possum Hollow Road; thence with the center line of the road as it meanders in a north-westerly direction approximately 280 feet to a point, a corner of the lands of A. J. Watkins, and the P. F. Myres Heirs; thence with the P. F. Myres Heirs' line along the top of a ridge N. 50° 00' E., 280 feet to a pine stump at the top of Spring Ridge, a corner of the lands of the P. F. Myres Heirs, and David Gorley; thence with David Gorley's line and the top of a spur ridge as it meanders approximately along the following bearings and distances: N. 56° 00' E., 195 feet to a rock, N. 48° 00' E., 1020 feet to a 20 inch hickory tree at the top of a ridge, a corner of the lands of David Gorley, and G. W. Hughes; thence with G. W. Hughes' line along the top of the ridge S. 30° 00' E., 40 feet to a rock at the top of Bearpen Ridge, a corner of the lands of G. W. Hughes, and L. B. Calhoun; thence with L. B. Calhoun's, and J. R. Bradshaw's line and the top of the ridge as it meanders in a southerly direction approximately 1660 feet, passing a 20 inch pine tree at approximately 1180 feet, to a point; thence leaving the ridge and with J. R. Bradshaw's line S. 5° 00' E., 70 feet to a 16 inch spanish oak tree on the south edge of the Possum Hollow Road; thence S. 50° 00' W., 30 feet to a point in the center line of Proctor's Mill Creek, a corner of the lands of J. R. Bradshaw, and Dee Cable et ux; thence with Dee Cable's line and the center line of the creek as it meanders upstream approximately 210 feet to a point in the center line of a road witnessed by a locust stump; thence with the center line of the road as it meanders approximately along a bearing and distance of S. 42° 00' W., 880 feet to a point; thence, leaving the road, N. 39° 00' W., 970 feet to the point of beginning, and containing 44. 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 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.

3. The property taken is subject to a lien for taxes due Swain County for the year 1944. The amount of said taxes has not yet been determined and is not yet due and payable. The Clerk of this Court, therefore, is hereby ordered and directed to retain in the Registry of this Court the sum of Fifty Dollars (\$50) until such time as the amount of said taxes on said property for the year 1944 can be definitely ascertained, after which time said Fifty Dollars (\$50) will be disbursed by supplemental order of this Court.

4. The Clerk of this Court is hereby authorized and directed to issue a check for the remainder of the funds on deposit in this cause in the sum of Three Thousand Nine Hundred Ninety-seven Dollars and Fifty-five Cents (\$3,997.55) payable to Ed D. Cable and wife, Belle Q. Cable, and mail the same to them at Proctor, North Carolina.

5. 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 3rd day of Sept., 1944.

(s) E. Y. Webb  
Judge