

appeared before me this day and acknowledged the due execution of the foregoing instrument; and the said LETHA S. SANDIDGE wife of Robert L. Sandidge, being by me privately examined, separate and apart from her said husband, touching her voluntary execution of the same, does state that she signed the same freely and voluntarily, without fear or compulsion of her said husband, or any other person, and that she does till voluntarily assent thereto.

WITNESS my hand and official seal this 24 day of January, A. D., 1945.

(Seal Affixed)

Notary Public, State of Florida at large,
My commission expires Mar. 16, 1946.

Vita St. Amand
Notary Public

STATE OF NORTH CAROLINA, SWAIN COUNTY:

The foregoing certificates of Ralph T. Cannon, a Notary Public of Walla Walla County, Washington, and Vita St. Amand, a Notary Public of Dade County, Florida, attested by their official seals, are adjudged correct. Let the instrument, and the certificate be registered.

WITNESS my hand this 27th day of January, A.D., 1945.

H. J. Truett
Clerk Superior Court

Filed for registration on the 27 day of January, 1945, at 10:45 o'clock A.M., and registered in the office of the Register of Deeds for Swain County, North Carolina, 8 day of Feb. 1945, at 1:35 o'clock P.M. in Book 69 of Deeds, and Page 231, etc.

H. R. Welch
Deputy Register of Deeds
Swain County, North Car.

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

FR-1172
Cou. Nos 44-103879
45-43958

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

Petitioner

v.

JOSEPHINE WRIGHT
CLINTON WRIGHT, her husband
LEE ROSE
MINNIE ROSE, his wife
IMA ROSE BURNETTE
VERLIN BURNETTE, her husband
CHARIE ROSE WRIGHT
D. D. WRIGHT, her husband
WILLIE ROSE BRADLEY
JACK BRADLEY, her husband
ELIZABETH ROSE HALL
ERNEST HALL, her husband
AUDREY ROSE COLE
CLINTON COLE, her husband.

Respondents

No. 508

FILED

DEC 11 1944

CLERK, U.S. DIST. COURT

FINAL DECREE

This cause came on to be finally heard upon the petition for condemnation, declaration of taking, answer of respondents Josephine Wright, Clinton Wright, Lee Rose, Minnie Rose, Ima Rose Burnette, Verlin Burnette, Carrie Rose Wright, D. D. Wright, Willie Rose Bradley, Jack Bradley, Elizabeth Rose Hall, Ernest Hall, Audrey Rose Cole, and Clinton Cole by their attorneys, Edwards & Leatherwood, agreement between the parties as to the compensation to be paid, 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 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 Josephine Wright, Lee Rose, Ima Rose Burnette,

Carrie Rose Wright, Wallie Rose Bradley, Elizabeth Rose Hall, and Audrey Rose Cole each owned and undivided one-seventh (1/7) interest in the said property by virtue of deeds recorded in Deed Book 45, Page 451, and Deed Book 41, Page 29, in the register's office of Swain County, North Carolina. Clinton Wright, husband of Josephine Wright, Minnie Rose, wife of Lee Rose, Verlin Burnette, husband of Ima Rose Burnette, D. D. Wright, husband of Carrie Rose Wright, Jack Bradley, husband of Will Rose Bradley, Ernest Hall, husband of Elizabeth Rose Hall, and Clinton Cole, husband of Audrey Rose Cole, were made parties respondent to this cause by virtue of their marital relationship.

Taxes due Swain County for the years 1943 and 1944, which constituted a lien against the said property, are hereinafter ordered paid out of the funds on deposit in the registry of the Court in this cause.

IV

The petitioner, upon the filing of 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. Subsequently thereto an agreement was reached between the parties under the terms of which Two Thousand One Hundred Thirteen Dollars and Fifty-five Cents (\$2,113.55), interest being expressly waived, would be paid by petitioner and accepted by respondents as the true value of and as just compensation for the said property. The respondents, by their consent to the entry of this decree, waive a hearing before commissioners or other tribunal for the purpose of assessing the compensation to be paid. Pursuant to the said agreement, the additional sum of Eight Hundred Sixty-Three Dollars and Fifty-Five Cents (\$863.55) has been deposited in the registry of this Court by petitioner, making a total deposit of Two Thousand One Hundred Thirteen Dollars and Fifty-Five Cents (\$2,113.55), all of which funds are hereinafter ordered disbursed in paragraphs 3 and 4 hereof.

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

1. The agreement between the parties as to the compensation to be paid is hereby confirmed and the sum of Two Thousand One Hundred Thirteen Dollars and Fifty-Five Cents (\$2,113.55) is hereby decreed to be just compensation for the property condemned.

2. The divestiture of title as evidenced by the declaration of taking filed on April 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-1172

A tract of land lying in Forneys Creek Township of Swain County, State of North Carolina, on the left side of Hazel Creek, approximately 1-1/8 miles southeast of the State Highway No. 288 bridge across Hazel Creek, and more particularly described as follows:

Beginning at an 8 inch maple tree at a fence intersection, a corner of the lands of T. J. Hall, and G. S. Cable et ux; thence with G. S. Cable's line and a fence line N. 27° 00' E., 90 feet to a fence angle; thence N. 35° 00' E., 330 feet to a fence angle; thence N. 21° 00' E., 135 feet to a walnut tree at a fence intersection; thence N. 40° 00' E., 455 feet, passing a 15 inch white oak tree at 285 feet, to a fence intersection at a branch, a corner of the lands of G. S. Cable et ux, and Scott Hall; thence with Scott Hall's line and a fence line N. 55° 00' E., 275 feet to a 12 inch white oak tree; thence, leaving the fence line, N. 70° 00' E., 1070 feet to a point; thence S. 21° 00' E., 125 feet to a point at the top of a ridge, a corner of the lands of Scott Hall, and G. H. Holloway et ux; thence with G. H. Holloway's, J. C. Millsaps', and T. J. Hall's line and the top of the ridge as it meanders approximately along the following bearings and distances:

S. 7° 00' E., 320 feet, to a fallen pine tree;

S. 11° 00' E., 475 feet;

S. 36° 00' W., 440 feet;

S. 82° 00' W., 300 feet;

S. 47° 00' W., 230 feet;

S. 68° 00' W., 270 feet, to a pine tree;

N. 60° 00' W., 105 feet;

S. 78° 00' W., 400 feet to a 5 inch post oak tree; thence, leaving the ridge, with T. J. Hall's line N. 80° 00' W., 495 feet to a fence corner; thence with a fence line N. 10° 00' E., 180 feet to the point of beginning, and containing 44.6 acres, more or less, subject to such rights as may be vested in the county or state to rights of way for public road, and also 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