

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.

VERLIN P. HERRON (alias Verlin M. Parks)
MONA H. PETTREL, a minor
THEODORE PETTREL, her husband
EARL W. HERRON, a minor
NANNIE BRODEN
THOMAS BRODEN, her husband

Respondents

No. 577

Filed

Nov. 11, 1946

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 Mona H. Pettrel and Earl W. HERRON, minors, by their guardian ad litem, Reed Kitchin; decree pro confesso against the other respondents herein; 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 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 judgement.

III

At the time of the filing of the declaration of taking in this cause the property herein condemned was owned by Verlin P. Herron by virtue of decree of record in Special Proceedings Book 3, page 397, in the office of the Clerk of the Superior Court of Swain County, North Carolina.

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

All taxes levied and assessed against said land by Swain County, have been paid and liens discharge.

IV

The Petitioner, upon filing the declaration of taking in this cause, deposited the sum of One Hundred Forty-six Dollars and Forty cents (\$146.40) as its estimate of the value of the property herein condemned. The Commissioners awarded the sum of One Hundred Forty-six Dollars and Forty Cents (\$146.40) as the true value of and as just compensation for said property, all of which fund has 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 report of the Commissioners, to which no exceptions were filed, awarding the sum of One Hundred Forty-six Dollars and Forty Cents (\$146.40) as the true value of and as just compensation for the property herein condemned be and the same is hereby fully and finally confirmed.
3. The divestiture of title as evidence by the declaration of taking filed on November 6, 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:

An undivided one-sixth (1/6) fee simple interest in condemned in the following described property:

Tract FR-1196

A tract of land lying in Forneys Creek Township of Swain County, State of North Carolina, on the right side of the Little Tennessee River, approximately 2 miles west of the confluence of the Little Laurel Creek and Indian Camp Creek tributaries of Chambers Creek, and more particularly described as follows:

Beginning at a black oak stump in the south boundary line of the tract herein described, a corner of

the lands of the J.E. Coburn Heirs, and N.A. Pilkenton; thence with N.A. Pilkenton's line N. 82° 30' W., 120 feet to a point in the center line of a branch, a corner of the lands of N.A. Pilkenton, and Flora Hall; thence with Flora Hall's line and the center line of the branch as it meanders upstream approximately along a bearing and distance of N. 2° 00' W., 2170 feet to a point witnessed by a stake, a corner of the lands of Flora Hall, and the J.E. Coburn Heirs; thence leaving the branch and with the J.E. Coburn Heirs' line N. 79° 00' E., 1430 feet to a point; thence S. 23° 00' E., 1120 feet to a point, a corner of the lands of the J.E. Coburn Heirs, John Pilkington, and the J.E. Coburn Heirs; thence with the J.E. Coburn Heirs' line S. 49° 00' W., 2190 feet to the point of beginning, and containing 66. 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.

An Undivided one fifty-fourth (1/54) fee simple interest is condemned in the following described property:

Tract F-1202

A tract of land lying in Forneys Creek Township of Swain County, State of North Carolina, on the right side of the Little Tennessee River, approximately 2 miles east of Calhoun Island, and more particularly described as follows:

Beginning at a 12 inch pine tree at an intersection of ridges, a corner of the lands of Lee Hering et ux, and W.H. Pilkington; thence with W.H. Pilkington's line and the top of a ridge as it meanders in a southeasterly direction approximately along the following bearings and distances: N. 85° 00' E., 535 feet, S. 57° 00' E., 375 feet, S. 83° 00' E., 510 feet, S. 89° 00' E., 385 feet, S. 34° 00' E., 550 feet, S. 38° 00' E., 405 feet to a point; thence, leaving the ridge, S. 81° 00' E., 275 feet to a point in the center line of a road, a corner of the lands of W.H. Pilkington, and Hunter Pilkington et ux; thence with Hunter Pilkington's line and the center line of the road as it meanders approximately along a bearing and distance of S. 12° 00' W., 280 feet to a point, a corner of the lands of Hunter Pilkington et ux, and A.J. Posey et ux; thence leaving the road and with A.J. Posey's line N. 86° 00' W., 760 feet to a point; thence S. 28° 00' E., 180 feet to an 8-inch hickory tree at the top of a ridge, a corner of the lands of A.J. Posey et ux, and Perley Herron; thence with Perley Herron's and Lee Hering et ux's line and the top of a ridge as it meanders in a general northwesterly direction approximately along the following bearings and distances: N. 82° 00' W., 340 feet, S. 87° 00' W., 425 feet, S. 77° 00' W., 340 feet to a point at the top of Posey ridge, N. 60° 00' W., 450 feet, N. 10° 00' W., 620 feet, N. 22° 00' W., 660 feet to the point of beginning, and containing 54. 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 to such rights as may be outstanding in third parties to the Pilkey Cemetery.

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 Nov. 11, 1946.

E.Y. Webb
Judge

THE UNITED STATE 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 39, on the 11 day of November, 1946, on file and and remaining of record in my office in the matter of United States of rel. Tennessee Valley Authority v. Verlin P. Herron, et al., No. 577.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the said District Court, at Asheville, North Carolina, this 11th day of November, A.D., 1946.

(U.S. Dist. Court Seal Affixed)

J.Y. Jordan Clerk

By Henrietta P. Gillespie Deputy Clerk

STATE OF NORTH CAROLINA, SWAIN COUNTY

The foregoing certificate of J.Y. Jordan, by Henrietta P. Gillespie, 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 23 day of November, 1946.

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

Filed for Registration at 10:10 o'clock, A.M., November 23, 1946, and registered in the office of the Register of Deeds for Swain County, North Carolina, in Book 71, page 331, December 11, 1946.

E.J. Gray
Register of Deeds