

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 ~~this~~  
TENNESSEE VALLEY AUTHORITY  
Petitioner  
v.  
J. C. (Sadie) Farley  
Respondent

F I L E D

0.1K.

Jun 21, 1947

Clerk, U. S. Dist. Court

No. 693

FINAL DECREE

This cause came on to be finally heard upon the petition for condemnation; declaration of taking; agreement of the <sup>the</sup> parties; 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

The Respondent interested in the land hereinafter described has been served with process personally and the said land and respondent 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 fee simple title to the property herein condemned was held by J. C. (Sadie) Farley by deeds recorded in Deed Books 31 and 41, pages 215 and 279, respectively, in the office of the Register of Deeds of Swain County, North Carolina.

There were no tax liens against this property since it was exempt from taxation.

## IV

The petitioner, upon filing the declaration of taking in this cause, deposited the sum of Fifty Dollars (\$50) as its estimate of the value of the property herein condemned, and the petitioner and the respondent, J. C. (Sadie) Farley, hereby agree that the sum of Fifty Dollars (\$50) represents the true value and is just compensation for the property herein condemned and waive any hearings for the determination of value as provided for by the Tennessee Valley Authority Act. The parties further agree that the respondent, J. C. (Sadie) Farley, shall retain the right to be buried on this property and the right to have her grave cared for perpetually. It is further understood and agreed that the outstanding burial rights of third parties were not taken in this proceedings, and that those having deceased relatives buried on this property continue to have the perpetual right to care for their graves.

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

1. The agreement of the parties be, and the same is hereby, fully and finally confirmed.
2. The divestiture of title as evidenced by the declaration of taking filed on June 26, 1946, 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 NO. FR# 1210

A tract of land lying in Forneys Creek Township of Swain County, State of North Carolina, on the right side of Hazel Creek, approximately  $1\frac{1}{4}$  miles north of the State Highway No. 288 bridge across Hazel Creek, and more particularly described as follows:

Beginning at a fence corner, a corner to the land of W. A. Franklin, and the most southeasterly point of the tract herein described; thence with W. A. Franklin's line and the fence line west 90 feet to a fence corner; thence N.  $16^{\circ}$  E., 230 feet to a fence corner; thence S.  $82^{\circ}$  E., 75 feet to a fence corner; thence S.  $14^{\circ} 00'$  W., 220 feet to the point of beginning, and containing 0.4 acre, more or less, subject to burial rights outstanding in third parties.

The bearings given in the above description are based of 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  $79^{\circ} 00'$  W.

and every part thereof, was divested out of the 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.

3. The Clerk of this Court be, and he is, hereby authorized and directed to issue a check in the sum of Fifty Dollars (\$50) payable to J. C. (Sadie) Farley and William Medford her attorney, and forward said check to William Medford at Waynesville, North Carolina.

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 20 day of June, 1947

/s/ E. Y. Webb

Judge

The foregoing decree is hereby approved and agreed to by the parties hereto

/s/ Joseph C. Swidler  
General Counsel  
Tennessee Valley Authority  
Knoxville, Tenn.

/s/ William Medford, Attorney  
for Sadie (J. C.) Farley  
Waynesville, North Carolina  
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, and full, correct and complete copy of the original final decree entered in Docket Book 6, Page 70, on the 21 day of June, 1947, on file and remaining of record in my office in the matter of United States ex rel. Tennessee Valley Authority v. J. C. (Sadie) Farley et al No. 693

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the said District Court, at Asheville, North Carolina, this 21 day of June, A. D., 1947

U. S. Dist. Court Seal Affixed

O. L. McLurd

Clerk

By W. A. Lytle Clerk (Deputy)

STATE OF NORTH CAROLINA, SWAIN COUNTY

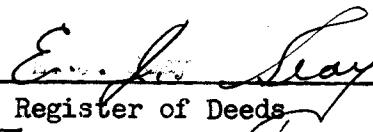
The foregoing certificate of O. L. McLurd, by W. A. Lytle, Deputy Clerk of the District Court of the United States for the Western District of North Carolina, duly authenticated by the official seal of said court thereto affixed, is adjudged to be correct, in due form, and according to law.

Let the instrument and the certificates be registered, this 30 day of June, 1947.

H. J. Truett

Clerk Superior Court  
Swain County, North Carolina

Filed for Registration at 10:30 o'clock A. M. June 30, 1947 and registered in the office of the Register of Deeds for Swain County, North Carolina, in Book 71, Page 608, July 1, 1947.

  
E. J. Seay  
Register of Deeds

STATE OF NORTH CAROLINA

COUNTY OF SWAIN

THIS DEED made this the 27th day of June, 1947 by and between Gladys Burchfield and husband Buford Burchfield, and Joyce West and husband, Warren West, parties of the first part, of Haywood County, North Carolina and Ause Frady, of Swain County, North Carolina, party of the second part,

W I T N E S S E T H :

That in consideration of the sum of FIVE DOLLARS, and other good and valuable considerations, paid by the party of the second part to the said parties of the first part the receipt of which is hereby acknowledged, the said parties of the first part, have bargained and sold, and do by these presents, do bargain, sell and convey unto the said party of the second part, and his heirs and assigns, their entire undivided interest, as heirs at law of Joseph M. Barker, deceased, their interest being both together, a one-eighth undivided interest, they being granddaughters of the said Joseph M. Barker, and the daughters of Fred Barker, deceased, in and to that certain tract or tracts of land, lying and being in Swain County, Charleston Township, on the waters of Alarka Creek, adjoining the