

FR-1248
VOU. NO. 44-127020

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.

J. P. WALKER, as sole surviving
trustee, for the benefit of all
orthodox protestant denominations
at Proctor, North Carolina
BAXTER B. AYERS) as trustees of
WILLIAM A. CABLE) Proctor Baptist
A. J. WATKINS) Church, and as
virtual representatives of all
orthodox protestant denominations
at Proctor, North Carolina
W. M. RITTER LUMBER COMPANY,
a corporation

Respondents

FILED

AUG. 27, 1945

CLERK U.S. DIST. COURT

NO.529

FINAL DECREE

This cause came on to be finally heard upon the petition for condemnation; declaration of taking; answer of the respondents Baxter B. Ayers, William A. Cable, and A. J. Watkins, as trustees; decree pro confesso against J. P. Walker and W.M. Ritter Lumber Company; report of the Special Master; award of the Commissioners; and the entire record in this cause, from all of which it appears that:

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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 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.

11

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.

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At the time of the filing of the declaration of taking in this cause, the property herein condemned was held by Baxter B. Ayers, William A. Cable, and A.J. Watkins, as succeeding trustees, under a deed recorded in Deed Book 63, page 524, in the office of the Register of Deeds for Swain County, North Carolina. None of the other respondents named in this cause had any right, title, claim, or interest in the property herein condemned.

1V

The petitioner, upon filing the declaration of taking in this cause, deposited the sum of Four Thousand Two Hundred Dollars (\$4,200) as its estimate of the value of the property herein condemned. The Commissioners awarded the sum of Four Thousand Two Hundred Dollars (\$4,200) 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 Four Thousand Two Hundred Dollars (\$4,200) 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 evidenced by the declaration of taking filed on June 30, 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:

A tract of land lying in Forneys Creek Township of Swain County, State of North Carolina, on the right bank of Hazel Creek, approximately 3/4 mile east of its confluence with Proctor's Mill Creek, and more particularly described as follows:

Beginning at a stake on the right bank of Hazel Creek, a corner to the land of J. G. Stileleather et al, and the most southerly point of the tract herein described; thence with J.G. Stileleather's line and the bank of the creek as it meanders downstream approximately 120 feet to a point; thence leaving the creek, N. $36^{\circ}00'$ E., 68 feet, passing a 14 inch locust tree at 30 feet, to a point; thence, S. $89^{\circ}30'$ E., 90 feet to a point; thence S. $42^{\circ}00'$ E., 40 feet to a point; thence S. $34^{\circ}00'$ W., 120 feet to the point of beginning, and containing 0.3 acre, 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 $79^{\circ}00'$ 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.

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 25 day of August, 1945.

E. Y. Webb
Judge

CX-583

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, full, correct, and complete copy of the original final decree entered in Minute Book 10, page 125, on the 27 day of Aug, 1945, on file and remaining of record in my office in the matter of United States ex rel, Tennessee Valley Authority v. J.P. Walker et al., No. 529.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the said District Court, at Asheville, North Carolina this 17 day of September, A.D., 1945.

Seal US Dist Court

J. Y. Jorden Clerk
By W.A. Lytle Deputy Clerk

STATE OF NORTH CAROLINA
SWAIN COUNTY

The foregoing certificate of J. Y. Jorden, Clerk, 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 27 day of September, 1945.

H.J. Truett

Clerk Superior Court
Swain County, North Carolina

Filed for Registration at 4:20 o'clock P.M. Sept., 27, 1945, and registered in the office of the Register of Deeds for Swain County, North Carolina, in Book 69 page 394. 28 September, 1945.

H. R. Welch
Deputy Register of Deeds