

STATE OF NORTH CAROLINA
SWAIN COUNTY

I, H.J. TRUETT, Clerk of the Superior Court hereby certify that Will W. Higgins and Estelle R. Higgins his wife, and Frank Yatt and Beria W. Yatt his wife, personally appeared before me this day and acknowledged the due execution of the annexed deed of conveyance. Let the instrument with this certificate be registered. It is my hand and official seal this 16 day of July, 1945.

H.J. Truett
Clerk Superior Court

Filed for registration on the 17 day of July, 1945 at 9:00 o'clock A.M. and registered in the office of the Register of Deeds for County, N.C. this the 17 day of July, 1945 at 12:00 o'clock A.M. in Book 69, page 345.

W.H. Welch
Deputy, Register of Deeds.

TRACT NO. FR-1253 VOU. NO. 45-1627

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 TENNESSEE VALLEY AUTHORITY

Petitioner

v.

GEORGE KIRKLAND
HARLEY KIRKLAND
IDA KIRKLAND his wife
Respondents

No. 531

Filed June 27, 1945
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 George Kirkland; decree pro confesso against Harley Kirkland and Ida Kirkland; report of the Special Master; answer of the Commissioners; and the entire record in this cause, from all of which it appears that:

1

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 interest therein deemed necessary by its 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 judgement.

III

At the time of the filing of the declaration of taking in this cause the property herein condemned was owned by George Kirkland by virtue of deed recorded in Deed Book 67, page 496, Records of Swain County, North Carolina. Swain County taxes for the year 1944 which were a lien against said property at the time of taking have since been paid and the lien discharged.

IV

The petitioner, upon filing the declaration of taking in this cause, deposited the sum of Two Hundred Thirty Dollars and Two Cents (\$230.02) as its estimate of the value of the property herein condemned. The commissioners awarded the sum of Two Hundred Thirty Dollars and Two Cents (\$230.02) as the true value of and as just compensation for said property; and all of said 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 Two Hundred Thirty Dollars and Two Cents (\$230.02) as the true value of and as just compensation for the property herein condemned and the same is hereby fully and finally confirmed.

3. The divestiture of title as evidenced by the declaration of taking filed July 15, 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-1253

A tract of land lying in Forney's Creek Township of Swain County, State of North Carolina, on the right side of the Little Tennessee River, approximately 2-1/4 miles northwest of Bushnell, and more particularly described as follows:

Beginning at a 12 inch white oak tree at the top of Locust Ridge, a point in the D.G. Fisher Heirs' south boundary line; thence with the D. G. Fisher Heirs' line N. 80° 00' E., 265 feet to a point, a corner of the lands of the D. G. Fisher Heirs, and Oscar Kirkland; thence with Oscar Kirkland's the Jess Kirkland Heirs', W. K. Kirkland's and Oscar Kirkland's line S. 6° 00' E., 795 feet, crossing the West Fork of Chambers Creek at approximately 400 feet, to a point, a corner of the lands of Oscar Kirkland, and Harley Kirkland; thence with Harley Kirkland's line N. 85° 30' W., 1420 feet to a point at the top of Locust Ridge, a corner of the lands of Harley Kirkland, and the D. G. Fisher Heirs; thence with the D. G. Fisher Heirs' line and the top of the ridge as it meanders in a northeasterly direction approximately 1300 feet to the point of beginning, and containing 16 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 ~~given in the above description~~ 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 26 day of June, 1945.

% E.W. Webb
Judge

CX-583

The United States of America

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 Minute Book 9, page 223 on the 27 day of June, 1945 on file and remaining of record in my office in the matter of United States ex rel, Tennessee Valley Authority v. George Kirkland et al. NO. 531

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the said District Court, at Asheville, North Carolina, this 19 day of July, 1945,

Seal US Dist Court

J. Y. Jordan
By: W. A. Lytle

Clerk
Deputy Clerk

STATE OF NORTH CAROLINA,
SWAIN COUNTY

The foregoing certificate of J.Y. Jordan, 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 the court there to affixed is adjudged to be correct, in due form, and according to law. Let the instrument and the certificate be registered, this 17th day of July, 1945.

H. J. Truett
Clerk Superior Court

Filed for registration at 10:40 o'clock A.M. July 17, 1945 and registered in the office of the Register of Deeds for Swain County, North Carolina in Book 69, page 346. July 19, 1945.

H. J. Truett
Deputy, Register of Deeds

STATE OF NORTH CAROLINA
COUNTY OF SWAIN

THIS DEED, made this the 2nd day of July, 1945 by Will W. Wiggins and wife, Estelle R. Wiggins, and Frank Hyatt and wife, Oberia W. Hyatt, of Swain County, North Carolina, parties of the first part to G. C. Sandlin and wife, Cra Sandlin, of the county of Swain state of North Carolina, parties of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Ten Dollars and other valuable considerations to them paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have subject to the restrictions conditions and covenants hereinafter set forth, bargained and sold and do by these presents, bargain, sell and convey unto the said parties of the second part, their heirs and assigns forever all certain pieces parcels or lots of land situate, lying and being in Charleston Township, Swain County, North Carolina, and being lots numbers 9, 10, 21 and 22 in Block 2 of Elmore Farm Subdivision to the Town of Bryson City, as per map and survey by F.W. and L.W. Smiley made June 1945. Said map being duly recorded in the office of the Register of Deeds for Swain County, in Map Book 1, page 67, to which reference is hereby given for a full and complete description of said lots.

TO HAVE AND TO HOLD the above described land and premises, togethers with all the privileges and appurtenances there to belonging, into the said parties of the second part, their heirs and assigns, forever, subject to the restrictions conditions and covenants hereinafter contained that is to say:

WHEREAS the pieces or parcels of land, hereinbefore, described is a part of Block 2 as shown on the plat hereinbefore specifically referred to, the property of the parties of the first part, which said Block 2 has been divided into parcels or lots and laid off and designed to be used exclusively for residential purposes; and WHEREAS, the parties hereunto desire for the benefit of their own property and for the benefit of future purchases and owners of the land shown within the lines of said Block 2 shall be developed and for a time hereafter uses exclusively for residential purposes:

NOW THEREFORE, the said parties of the second part, for themselves and their heirs, executors and administrators and assigns, and successors in title to said land hereby conveyed do covenant to and with the said parties of the first part, their heirs and assigns, as follows:

That they will not erect or suffer to be erected on the land above described any commercial or manufacturing establishment or factory or house or building to be used as a tenement house, sanatorium or hospital of any kind or any time use, or suffer to be used, any building or buildings erected thereon for any such purpose; and will not erect, or suffer to be erected, on said land any residence to cost less than Two Thousand (\$2,000.00) dollars but may build thereon a garage in keeping with the premises and building built and of slight appearance.

That the foregoing covenants shall be covenants running with the land, and shall be kept by the parties of the second part, their heirs and assigns, forever, And the said parties of the first part do, for themselves their heirs, executors and administrators, covenants to and with the said parties of the second part, their heirs and assigns that they are seized of said premises in fee and have the full right and power to convey the same in fee simple subject to the restrictions, conditions and covenants herein contained; that the said are free and clear of any and all encumbrances and that they do forever warrant and will forever defend the same against the lawful claims of all persons whomsoever.

IN TESTIMONY WHEREOF, the said parties of the first part have hereunto set their hands and seals this the day first above written.

Will W. Wiggins (seal)
Estelle R. Wiggins (seal)
Frank Hyatt (seal)
Oberia W. Hyatt (seal)

(DOCUMENTARY STAMPS ATTACHED \$1.10)

STATE OF NORTH CAROLINA
SWAIN COUNTY

I, H. J. Truett Clerk of the Superior Court, hereby certify that Will W. Wiggins and Estelle R. Wiggins, his wife, and Frank Hyatt and Oberia W. Hyatt his wife, personally appeared before me this day and acknowledged the due execution of the annexed Deed of Conveyance. Let the instrument with this certificate be registered. Witness my hand and official seal, this 16 day of July, 1945

H. J. Truett
Clerk Superior Court

Filed for registration on the 21st day of July, 1945 at 2:00 o'clock P.M. and registered in the office of the Register of Deeds for County, N.C. this 23 day of July, 1945 at 10:30 o'clock A.M. in Book 69, page 347.

H. J. Truett
Deputy Register of Deeds