

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINAUNITED STATES OF AMERICA
upon the relation and
for the use of the
TENNESSEE VALLEY AUTHORITY

Petitioner

v.

No. 584

GEORGE S. WELCH
ELOUISE WELCH, his wife
SARAH WELCH CALHOUN
MARY WELCH CABLE
RAYMOND CABLE, her husband
RUSSELL A. WELCH
ROSE WEECH, his wife
EDWARD L. WELCH
ELBERT T. WELCH
EDITH FISHER WELCH, his wife
JESSE C. WELCH
JOSIE WELCH THOMASSON
ROLLIENS M. THOMASSON, her husband
GILMER WELCH
NINON WELCH, his wife
AMANDA WELCH RUSSELL
JOHN RUSSELL, her husband
COLUMBUS WELCH
MINNIE WELCH COFFEY
VIVIAN MUSE
THELMA PHILLIPS BRYSON
ODE BRYSON, her husband
CLINTON PHILIPPS
ELIZABETH W. WELCH
CARL WILHIDE
"MARY" WILHIDE, his wife, said name "Mary"
being fictitious, and she being otherwise
unknown.
EDNA WILHIDE ALLEN
SHACK ALLEN, her husband
ELVIRA MILLS
HARLEY ASHE
PEARL ASHE, his wife
BURGAN ASHE
JOYCE ASHE, his wife
CLAUDE ASHE
CALLIE ASHE PLEMMONS
ED PLEMMONS, her husband
IDA ASHE
SWAIN COUNTY, a political subdivision of the
State of North Carolina

Respondents

FILED
OCT. 28, 1947
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 Clinton Phillips, "Mary" Wilhide, said name "Mary" being fictitious and otherwise unknown, and Elvira Mills, by their attorney, Reed Kitchin; decree pro confesso against all the other respondents; 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 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 herein the following respondents, by virtue of a grant of record in Deed Book 1, page 346, in the Register's Office of Swain County, North Carolina, and by testate and intestate succession, owned the fee simple title thereto; George S. Welch, Sarah Welch Calhoun, Mary Welch

Cable, Russell A. Welch, Edward L. Welch, Elbert T. Welch, Jesse C. Welch, Jessie (Josie) Welch Thomasson, Gilmer Welch, Amanda Welch Russell, Columbus Welch, Minnie Welch Coffey, Vivian Muse, Thelma Phillips Bryson, Clinton Phillips, Elvira Mills, Lois Nell Ashe Coleman, Burgan Ashe, Claude Ashe, Callie Ashe Plemmons, and Ida Ashe.

Elouise Welch, wife of George S. Welch, Rose Welch, wife of Russell A. Welch, Edith Fisher Welch, wife of Eibert T. Welch, Ninon Welch, wife of Gilmer Welch, Joyce Ashe, wife of Burgan Ashe, had inchoate rights of dower in and to the interests of their respective husbands in said lands.

Swain County taxes for the years 1939 to 1944, inclusive, constituted a lien against the property condemned. Said taxes have since been paid and the lien discharged.

No respondent other than those hereinabove mentioned had any right, title, interest or estate in and to said property.

14

The petitioner, upon filing the declaration of taking in this cause, deposited the sum of Forty Dollars (\$40) as its estimate of the compensation to be paid. The Commissioners awarded the sum of Forty Dollars (\$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 Forty Dollars (\$400 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 December 6, 1944, by virtue of which all right, title, ~~and~~, and interest of every kind, ~~nature~~, and character in and to an undivided one-half ~~1/2~~ interest in the following described property, to-wit:

Tract FR-126

A tract of land lying in Forneys Creek Township of Swain County, State of North Carolina, on the right bank of the Little Tennessee River, approximately 1-7/8 miles west of the Bushnell Depot, and more particularly described as follows:

Beginning at a 15 inch black oak tree and iron pipe, on the right bank of the Little Tennessee River, a corner to the land of the Nantahala Power & Light Company (an adjoining tract), and the most easterly point of the tract herein described; thence with the Nantahala Power & Light Company's line S 48° 00' W., 215 feet to a point in the river; thence with the river as it meanders downstream approximately 1420 feet to a point; thence N. 76° 00' E., 280 feet to a 14 inch water birch tree and pipe on the bank of the river; thence with the bank of the river as it meanders upstream approximately 1270 feet to the point of beginning, and containing 8.5 acres, more or less.

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. The corner descriptions given above are those set out in the deed to the Nantahala Power & Light Company.

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, 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 27 day of October, 1947.

/s/ E.Y. Webb Judge

I consent to the entry of the foregoing decree:
/s/ Lois Nell Ashe Coleman
Lois Nell Ashe Coleman

THE UNITED STATES OF AMERICA }
WESTERN DISTRICT OF NORTH CAROLINA }
} SS

I, O.L. McLurd, 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 157, on the 28 day of October, 1947, an file and remaining of record in my office in the matter of the United States ex rel. Tennessee Valley Authority v. George S. Welch, et al., No. 584.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the said District Court, at Asheville, North Carolina, this 28 day of October, A.D., 1947.

O.L. McLurd Clerk

By Deputy Clerk

U.S. District Court Seal Affixed.

STATE OF NORTH CAROLINA

SWAIN COUNTY

The foregoing certificate of O.L. McLurd, 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 certificate be registered, this 20 day of November, 1947.

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

Filed for Registration at 10:30 o'clock A.M., November 20, 1947, and registered in the office of the Register of Deeds for Swain County, North Carolina, in Book 72, page 119, December 2, 1947.

E. L. Seay
Register of Deeds