

IN THE UNITED STATES DISTRICT COURT
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.

HENRY B. ANTHONY) as trustees
A.R. ANTHONY) for the
THEODORE CHAMBERS) Anthony Cemetery
S. COLUMBUS WELCH

Respondents

F I L E D

MAR 10 1950

CLERK, U.S. DIST. COURT

No. 754

FINAL DECREE

This cause came on to be finally heard upon the petition for condemnation; declaration of taking; decree pro confesso against all respondents; award of the Commissioners; report of the Special Master; and the entire record in this cause, from all of which the Court finds that:

I

The Tennessee Valley Authority is a corporation created by and duly incorporated pursuant to an act of Congress approve 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 property hereinafter described have been served with process personally or by publication, and the said property 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, Henry B. Anthony, A.R. Anthony, and Theodore Chambers, as Trustees for the Anthony Cemetery, held the fee simple title to the property hereinafter described by virtue of a deed recorded in Deed Book 66, page 510, in the Office of the Register of Deeds for Swain County, North Carolina, and no other respondent had any right, title or interest in and to said property.

There were no taxes assessed against the property herein condemned.

IV

Petitioner, upon filing the declaration of taking in this cause, deposited in the Registry of this Court the sum of Fifty Dollars (\$50) as its estimate of the value of the property condemned, and the Commissioners awarded said sum of Fifty Dollars (\$50) as the true value of and as just compensation for said property. The entire fund has heretofore 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, is hereby fully and finally confirmed.
2. The sum of Fifty Dollars (\$50) awarded by the Commissioners is hereby decreed to be the true value of and just compensation for the property herein condemned.
3. The divestiture of the fee simple title to the following described property out of each and every respondent in this cause and the vesting thereof in the United States of America, free of all liens, claims, and encumbrances, except as hereinafter shown, as evidenced by the declaration of taking filed on May 17, 1947, are hereby fully and finally confirmed. Said property is described as follows:

TRACT NO. FR-1282

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 1 1/4 miles northwest of the Bushnell Depot, and more particularly described as follows:

Beginning at a 2 inch hickory tree, a corner to the land of S.C. Welch, and the most southwesterly point of the tract herein described; thence with S.C. Welch's line N. 3° 30' W., 105 feet to a stake; thence N. 80° 30' E., 215 feet to an iron pipe; thence with S.C. Welch's and the McClure Cemetery's line south, 105 feet to a stake;

thence with S.C. Welch's line S. 80° 30' W., 209 feet to the point of beginning, and containing 0.5 acre, more or less, subject to the burial rights outstanding in third parties, and further subject to an undivided one-half interest in the minerals as reserved in a deed from A.B. Welch, et ux., to J.E.T. Welch, dated January 5, 1878, recorded in Deed Book 2, page 211, in the Office of the Register of Deeds for Swain County, North Carolina.

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.

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 9th day of March, 19__.

/s/ Wilson Warlick
Judge

O.K.

Joseph C. Swidler
Joseph C. Swidler
General Counsel
Tennessee Valley Authority
Knoxville, Tennessee

Attorney for Petitioner

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

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 7, page 6, on the 10 day of March, 1950, on file and remaining of record in my office in the matter of the United States ex rel. Tennessee Valley Authority v. Henry B. Anthony, et al., No. 754.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the Said District Court, at Asheville, North Carolina, this 10th day of March, 1950.

District Court Seal Affixed

O.L. McLurd Clerk
By W.A. Lytle
Deputy Clerk

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, by W. A. Lytle, Deputy Clerk, 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 March, 1950.

H.J. Truett
Clerk of the Superior Court
Swain County, North Carolina

Filed for Registration at 9:00 o'clock A.M., March 20, 1950 and registered in the office of the Register of Deeds for Swain County, North Carolina, in Book 74, page 40, March 29, 1950.

Edna De Hart
Deputy Register of Deeds