

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA
upon the relation and
for the use of the
TENNESSEE VALLEY AUTHORITY

Petitioner

V.

ED ANTHONY
SARAH ANTHONY, his wife
CHARLES ANTHONY
WILLIAM ANTHONY

Respondents

No. 511

Filed July 17-1950
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 the respondents Ed Anthony and wife Sarah Anthony by their attorney B. C. Jones; answer of the respondents Charles Anthony and William Anthony by their duly appointed attorney Reed Kitchen; report of the Special Master; agreement of the parties; 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 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 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 judgment.

III

At the time of the filing of the declaration of taking in this cause, Ed Anthony and wife Sarah Anthony, as tenants by the entireties, were seized and possessed of the fee simple title to said property by deed recorded in Deed Book 65, page 102, in the Register's Office of Swain County, North Carolina.

Said property was subject to a lien for county taxes for the year 1944, which taxes in the sum of Six Dollars and Ninety-Seven Cents (\$6.97) have been paid out of the funds deposited in this cause and the tax lien is now discharged.

No other parties had any right, title, or interest in 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 One Hundred Sixty-Five Dollars (\$165.00) as its estimate of the value of the property condemned, and pursuant to the agreement reached between the petitioner and the respondents the petitioner agrees to deposit the further sum of Five Hundred Eighty-Five Dollars (\$585.00), interest being expressly waived, making the total sum of Seven Hundred and Fifty Dollars (\$750.00) deposited herein as just compensation for the said property condemned. The respondents agree to accept said sum in full and final settlement of their claim for just compensation for the property condemned. The balance of the funds in the sum of Seven Hundred Forty-Three Dollars and Three Cents (\$743.03) will be disbursed to the respondents in accordance with paragraph 4 hereinafter.

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 Seven Hundred Fifty Dollars (\$750.00), as agreed to by the parties hereto, is hereby decreed to be the true value of the 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 12, 1944, are hereby fully and finally confirmed. said property is described as follows:

TRACT FR- 1285

A tract of land lying in Charleston Township of Swain County, State of North Carolina, on the right side of the Tuckasegee River, approximately 3/4 mile northeast of the mouth of Peachtree Creek, and more particularly described as follows:

Beginning at a 6 inch dogwood tree in a fence line at the top of a ridge and in the South boundary line of the tract herein described, a corner of the lands of Julia Burns, and J. H. Holden; thence with J. H. Holden's and Charley C. McLean's line and the top of the ridge as it meanders approximately along the following bearings and distances:

N. $19^{\circ} 00'$ W., 170 feet,

N. $41^{\circ} 00'$ W., 445 feet to a stake with tree witnesses,

N. $2^{\circ} 00'$ ~~W.~~ E., 475 feet to a point, a corner of the lands of Charley C. McLean, and A. E. Bradshaw, thence leaving the ridge and with A. E. Bradshaw's line S. $74^{\circ} 00'$ E., 905 feet to a point in the center of Peachtree Creek, a corner of the lands of A. E. Bradshaw, and Julia Burns; thence with Julia Burns' line and the center line of the creek as it meanders downstream approximately 410 feet to a point near a spring; thence, leaving the creek, N. $56^{\circ} 00'$ ~~feet~~ E., 100 feet to a point in ~~the~~ the center of a road; thence with the center line of the road as it meanders approximately along a bearing and distance of S. $27^{\circ} 00'$ E., 265 feet to a point; thence, leaving the road, along the following bearings and distances:

S. $57^{\circ} 00'$ W., 185 feet to a 4 inch poplar tree;

S. $84^{\circ} 00'$ W., 360 feet to a 36 inch chestnut stump;

N. $88^{\circ} 00'$ W., 290 feet to the point of beginning, and containing 16.2 acres, more or less, subject to such rights as may be vested in the ~~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.

4. The Clerk of this Court is authorized and directed to issue a check in the Sum of Seven Hundred Forty-three Dollars and Three Cents (743.03) to Ed Anthony and Sarah Anthony in full settlement of thier interest in said property and mail said check to Ed Anthony at Bryson City, North Carolina.

5. The Clerk of the Court shall furnish to the petitioner a certified copy of this decree which shall serve as a muniment of title,

Done this 17 day of July, 1950.

Wilson Warlick
Judge

We hereby consent to the entry of the foregoing decree:

Joseph C. Swidler
Joseph C. Swidler

General Counsel
Tennessee Valley Authority
Knoxville, Tennessee

Attorney for petitioner
Ed Anthony
Ed Anthony

her
Sarah X Anthony
mark
Sarah Anthony

Respondents

Witness mark of Sarah Anthony

Mary S Anthony

Beverly S Bvrbage

James H Eldridge