

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.)
JANE HAWKINS ANDREWS MARKS)
GRAHAM H. ANDREWS)
MABEL ANDREWS, His wife)
AUGUSTA W. ANDREWS)
AUGUSTA W. ANDREWS YOUNG)
J.S.E. YOUNG, her husband)
MARTHA H.B. ANDREWS JOHNSON)
JOHN L. JOHNSON, her husband)
JANE VIRGINIA ANDREWS)
J.B. CHESHIRE, JR., Trustee)
ALEXANDER B. ANDREWS)
SWAIN COUNTY, a political sub-)
division of the State of North Carolina)
Respondents)

FILED
NOV 13, 1948
CLERK, U.S. DIST. COURT
No. 588

FINAL DECREE

This cause came on to be finally heard upon the petition for condemnation; declaration of taking; answer of respondents J.S.E. Young and John L. Johnson by their duly authorized attorney; decree pro confesso against all 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 in this cause, the following respondents owned undivided interests in fee simple in the hereinafter described property in the proportions stated opposite their names:

John H. Andrews	1/4	Graham H. Andrews	1/4	Jane Hawkins Andrews Marks	1/4
Augusta W. Andrews - dower consummate in	1/4	Mabel Andrews - dower inchoate in	1/4	Augusta W. Andrews Young	1/12 subject to dower interest of Augusta W. Andrews
Martha H.B. Andrews Johnson (subject to dower interest of Augusta W. Andrews) 1/12					
Jane Virginia Andrews (subject to dower interest of Augusta W. Andrews) 1/12					

No other respondent had any right, title, estate, or interest in said property.

All taxes which constituted liens against said property have been paid and the liens thereof are discharged.

IV

The Petitioner, upon filing the declaration of taking in this cause, deposited in the Registry of this Court the sum of Two Hundred Fifty Dollars (\$250) as its estimate of the value of the property condemned, and the Commissioners awarded the said sum of Two Hundred Fifty Dollars (\$250) as the true value of and as just compensation for said property.

No exceptions were taken to the award of the Commissioners, and 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 taken, be and the same is hereby fully and finally confirmed.

2. The sum of Two Hundred fifty Dollars (\$250), 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 title, as evidenced by the declaration taking filed on December 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-1312

A tract of land lying in Forneys Creek and Charleston Townships of Swain County, State of North Carolina, on the right bank of the Tuckaseegee River, at the mouth of Noland Creek, and more particularly described as follows:

Beginning at a 22 inch ~~maple~~ tree on the bank of the Tuckaseegee River, a corner of the lands of the Nantahala Power & Light Company, and the Southern Railway Company, and the most northwesterly point of the tract herein described thence with the Southern Railway Company's line and the bank of the river as it meanders upstream approximately 12,000 feet to a point (previously described as a stake), a corner of the lands of the Southern Railway Company, and the Nantahala Power & Light Company; thence with the Nantahala Power & Light Company's line N. 89° E., 180 feet to a point ~~meandering~~ on the river; thence with the river as it meanders downstream approximately 11,330 feet to the point of beginning, and containing 45.6 acres, more or less, subject to such rights as may be vested in third parties to telephone and telegraph line rights of way.

NOTE: The bearings given in the above descriptions 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.

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 lines, 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 12 day of November, 1948.

/s/ David E. Henderson
Judge

CX-583

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 90, on the 13 day of November, 1948, on file and remaining of record in my office in the matter of the United States ~~et al.~~ rel, Tennessee Valley Authority v. Jane Hawkins Andrews Marks, et al., No. 588.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the said District Court at Asheville, North Carolina, this 13 day of November, 1948.

District Court Seal Affixed

O.L. McLurd Clerk
O.L. McLurd

By V.E. Bartlett
V.E. Bartlett Deputy Clerk

STATE OF NORTH CAROLINA

COUNTY OF SWAIN

The foregoing certificate of O.L. McLurd, Clerk, by W.A. Hytle, 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 3rd day of December, 1948.

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

Filed for Registration at 2:10 o'clock P.M., December 3, 1948, and registered in the office of the Register of Deeds for Swain County, North Carolina, in Book 72, page 394, December 11, 1948.

Eliza DeStart
Deputy Register of Deeds