

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:

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 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.

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:

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;

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.

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.

/s/ David E. Henderson
Judge

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

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.

O.L. McLurd Clerk
O.L. McLurd

STATE OF NORTH CAROLINA
COUNTY OF SWAIN

Let the instrument and the certificates be registered, this 3rd day of December, 1948.

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

Eliza Hart
Deputy Register of Deeds