

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.)
WILLIAM D. HALL)
IVY CRISP HALL, his wife)
ANDREW C. (DOCK) HALL, a non com-)
pos mentis)
OLIE MOORE HALL, his wife)
SPURLIN HALL)
LULA GRAY HALL, his wife)
RAYMOND HALL)
CLARA FARE HALL, his wife)
Respondents)

No. 566

FILED

NOV 1 - 1948

CLERK, U. S. DIST: COURT

FINAL DECREE

This cause came on to be finally heard upon the petition for condemnation; answer of the respondents by their attorneys, Black and Whitaker; stipulation between the petitioner and the respondents; 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

Title to the property sought to be condemned is held in fee simple by William D. Hall, Andrew C. (Dock) Hall, Spurlin Hall and Raymond Hall with each holding an undivided 1/4 interest subject to the inchoate dower rights of Ivy Crisp Hall, Ollie Moore Hall, Lula Gray Hall, and Clara Fare Hall, their respective wives.

All taxes constituting liens against the property have been paid and the liens discharged.

No other parties have any right, title, claim or interest in the said property.

IV

The petitioner in its petition for condemnation in this cause alleged that in a former transaction with the respondents involving a portion of the land herein condemned another land petitioner had inadvertently overpaid the respondents the sum of Two Hundred Nineteen Dollars and Sixty Cents (\$219.60), and requested that it be granted a judgment for this sum. Subsequent to the filing of said petition the respondents through their attorneys have signed a stipulation agreeing that the petitioner was entitled to have a credit of the aforesaid sum of Two Hundred Nineteen Dollars and Sixty Cents (\$219.60) upon the amount awarded by the Commissioners as the value of the property herein condemned. The Commissioners have awarded the sum of Two Hundred Nineteen Dollars and Sixty Cents (\$219.60) as the true value of and as just compensation for said property, which amount is the same as the amount for which the petitioner is to receive credit and therefore there is no necessity for any funds to be deposited in this cause.

Andrew C. (Dock) Hall, as shown in the respondents' answer, is not a non compos mentis and is not suffering from or under any mental disabilities.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that:

1. The report of the Commissioners, to which no exceptions were filed, awarding the sum of Two Hundred Nineteen Dollars and Sixty Cents (\$219.60) as the true value of and as just compensation for the property herein condemned be and the same is hereby fully and finally confirmed.

2. The stipulation entered into between the parties ~~be~~ and the same is hereby ratified and confirmed, and the petitioner have and receive from the respondents the sum of Two Hundred Nineteen Dollars and Sixty Cents (\$219.60), which ~~amount~~ shall be credited against the amount of the Commission award in this case, and when so done it shall constitute full payment and satisfaction of the award.

3. All right, title, claim and interest of every kind, nature, and character in and to the following described property, to wit:

Tract FR-450

A tract of land lying in Forneys Creek Township of Swain County, North Carolina, on the left side of Hazel Creek, approximately 3/4 mile east of the State Highway No. 288 bridge across the creek, and more particularly described as follows:

Beginning at a 12 inch chestnut stump at the top of a ridge, a corner of the lands of Harley Pace, and the J. E. Coburn Heirs, and the most northwesterly point of the tract herein described; thence with the J. E. Coburn Heirs' line N. 59° E., 340 feet to a 26 inch beech tree at the top of a ridge; thence with the top of the ridge as it meanders approximately along the following bearings and distances:

S. 28° E., 480 feet,
S. 45° E., 330 feet to an 8 inch locust tree,
S. 18° E., 310 feet,
S. 10° E., 230 feet,

S. 33° E., 590 feet to a 36 inch Spanish oak tree at the top of Welch Ridge; thence with the top of Welch Ridge as it meanders in a westerly direction approximately 1030 feet to a stake at the top of a spur ridge, a corner of the lands of the J. E. Coburn Heirs, and Harley Pace; thence with Harley Pace's line and the top of the spur ridge as it meanders approximately along the following bearings and distances:

N. 12° E., 495 feet,
N. 17° 30' W., 1160 feet to the point of beginning, and containing 24.7 acres, more or less, subject to such rights as may be vested in 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° 00' W.

and every part thereof is hereby divested out of each and every respondent in this cause and vested in the United States of America in fee simple, except as hereinabove shown, free of all liens, claims, and encumbrances.

4. The Clerk of this Court shall furnish to the petitioner a certified copy of this decree which shall serve as a monument of title.

DONE this 29 day of Oct, 1948.

/s/ E. Y. Webb
Judge

C45-1119

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 5, Page 68, on the 1st day of November, 1948, on file and remaining of record in my office in the matter of United States ex rel. Tennessee Valley Authority v. William D. Hall, et al., No. 566.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the said District Court, at Asheville, North Carolina, this 1st day of November, A. D., 1948.

O. L. McLurd Clerk

Seal Affixed

By W. A. Lytle
Deputy Clerk

STATE OF NORTH CAROLINA)
)
COUNTY OF SWAIN)

The foregoing certificate of O. L. McLurd, Clerk, by W. A. Lytle, 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 certificate be registered, this 15 day of November, 1948.

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

Filed for Registration at 2:00 o'clock P. M., November 15, 1948, and registered in the office of the Register of Deeds for Swain County, North Carolina, in Book 72, page 299, November 19, 1948.

Eliza McHart
Deputy Register of Deeds