

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION577
O.K.UNITED STATES OF AMERICA
upon the relation and
for the use of the
TENNESSEE VALLEY AUTHORITY

petitioner

v.

WILLIAM CABLE
MINNIE JONES CABLE, his wife

Respondents

No. 525

FINAL DECREE

This cause came on to be finally heard upon the petition for condemnation; declaration of taking; decree pro confesso against the 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 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 title to the property heren condemned was held by William Cable and Minnie Jones Cable, his wife, as tenants by the entireties, subject to the flowage easement rights of the United States of America, described in the deed recorded in Deed Book 66, page 114, in the office of the Register of Deeds of Swain County, North Carolina. Said property was further subject to the liens of Swain County, for taxes for the years 1943 and 1944, which taxes have^{now} been paid and the liens discharged.

IV

The petitioner, upon filing the declaration of taking in this cause, deposited the sum of Ten Dollars (\$10) as its estimate of the value of the property herein dandemned. The Commissioners awarded the sum of Ten Dollars (\$10) as the true value of and as just compensation for said property, all of which fund has been disbursed by proper order of this Court.

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

1. The report of the Special Master, to which no exceptions were filed, be and the same is fully and finally confirmed.
2. The report of the Commissioners, to which no exceptions were filed, awarding the sum of Ten Dollars (\$10) as the true value of and as just compensation for the property herein condemned be and the same is hereby fully and finally confirmed.
3. The divestiture of title as evidenced by the declaration of taking filed on June 7, 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-452

A tract of land lying in Forneys Creek Township of Swain County, State of North Carolina, on the right side of Hazel Creek, approximately 3/8 miles northeast of the State Highway No. 288 bridge across Hazel Creek, and more particularly described as follows:

Beginning at a point in a fence line, a corner of the lands of H.N. Bailew et ux, the Hazel Creek Land Company, Grady Hall, and Ollie Hall & the Hazel Creek Land Company; thence with Ollie Hall & the Hazel Creek Land Company's line S. 78° 00' E., 210 feet to a point; thence N. 83° 00' E., 330 feet, crossing a road at approximately 270 feet, to a point in the northwest right of way line of the abandoned Smokey Mountain Railway, a corner of the lands of Ollie Hall & the Hazel Creek Land Company, and J.G. Stikeleather et al; thence with J.G. Stikeleather's line and the right of way line as it meanders in a general southwesterly direction approximately 1320 feet to a point, a corner of the lands of J.G. Stikeleather et al, and H.N. Bailew et ux; thence, leaving the right of way line, with H.N. Bailew's line N. 14° 00' W., 210 feet, crossing a road at approximately 60 feet, to a point in a fence line; thence with the fence line N. 72° 00' E., 100 feet to a fence angle; thence N. 7° 00' E., 665 feet to the point of beginning, and containing 9.5 acres, more or less, subject to such rights as may be vested in the county or state to a road which affects approximately 0.4 acre, and to any other rights of way for public roads traversing the described land.

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, 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 liens, 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 4 day of April, 1947.

E.Y. Webb
Judge

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

I, J.Y. Jordan, 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 27, on the 4th day of April, 1947, on file and remaining of record in my office in the matter of the United States ex rel. Tennessee Valley Authority v. William Cable, et ux. No. 525.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the said District Court at Asheville, North Carolina, this the 4th day of April, A.D., 1947.

J.Y. Jordan Clerk

By W.A. Lytle
Deputy Clerk

STATE OF NORTH CAROLINA
SWAIN COUNTY

The foregoing certificate of J.Y. Jordan, 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 certificates be registered, this 14 day of April, 1947.

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

Filed for Registration at 9:05 o'clock A.M., April 14, 1947 and registered in the office of the Register of Deeds for Swain County, North Carolina, in Book 71, page 577, May 12, 1947.

E. J. Lytle
Register of Deeds