

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINAUNITED STATES OF AMERICA
upon the relation and
for the use of the
TENNESSEE VALLEY AUTHORITY

Petitioner

v.

HARLEY N. BALLEW
ZENIA JONES BALLEW, his wife

Respondents

F I L E D

NOV. 2, 1946

CLERK, U.S. DIST. COURT

No. 522

FINAL DECREE

This cause came on finally to be heard upon the petition for condemnation; declaration of taking; decree pro confesso against Harley N. Ballew and Zenia Jones Ballew; report of the Special Master; award of 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 interest 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 the property herein condemned was owned by Harley N. Ballew and Zenia Jones Ballew in fee simple as tenants by the entirety, by virtue of a deed recorded in Deed Book 53, page 212, in the office of the Register of Deeds for Swain County, North Carolina.

The property was subject to the lien of the County of Swain for taxes for the years 1943 and 1944. The taxes for the year 1943 have been paid. The total fund on deposit in this cause has been disbursed by former order of this Court to be applied on the taxes levied and assessed against said land by the County of Swain for the year 1944 plus interest thereon.

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 condemned. The Commissioners awarded the said 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 DECREED, 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 1, 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-454

A tract of land lying in Foyneys Creek Township of Swain County, State of North Carolina, on the right side of Hazel Creek, approximately 1000 feet northeast of the State Highway No. 288 bridge across Hazel Creek, and more particularly described as follows:

Beginning at a point in the fence line, a corner of the lands of the Hazel Creek Land Company, Grady Hall, Ollie Hall, & the Hazel Creek Land Company, and Bill Cable et ux, and the most northeasterly point of the

The estate or interest herein condemned is subject to the outstanding flowage easements rights in United States of America described in Grant of Flowage Easement from Harley N. Ballew and wife, Zenia Jones Ballew, dated Oct 1, 1942, and recorded in Deed Book 66, page 221, in the office of the Register of Deeds for Swain County, North Carolina.

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/ E.Y. Webb
Judge, United States District Court

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 24, on the 2nd day of Nov., 1946, on file and remaining of record in my office in the matter of the United States ex rel. Tennessee Valley Authority v. Harley N. Ballew et ux. No. 522 .

J.Y. Jordan Clerk
By W.A. Lytle Deputy Clerk

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 thereon affixed, is adjudged to be correct, in due form, and according to law.

Annie Mae Truett
Deputy Clerk Superior Court
Swain County, North Carolina

Register of Deeds