

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA
upon the relation and
for the use of the
TENNESSEE VALLEY AUTHORITY

Petitioner

v.

MILLIE MARCUS VICKERY
BRYSON CITY BANK, a corporation
Respondents

FILED

May 31, 1947

CLERK, U. S. DIST. COURT

No. 571

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} or accepted service 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 herein condemned was held in fee simple by Millie Marcus Vickery by deed recorded in Deed Book 60, page 480, in the Register's office of Swain County, North Carolina.

The lien of the deed of trust from Millie Marcus Vickery to S. W. Black, Trustee for Bryson City Bank, recorded in Book 20, page 298, and mentioned in the petition has been paid and canceled of record June, 1944.

Said property was subject to the lien of Swain County for taxes for the year 1944, which taxes have been paid and the lien 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 condemned. 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 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 October 27, 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-478

A tract of land lying in Forneys Creek Township of Swain County, State of North Carolina, on the right bank of Hazel Creek, approximately 1-1/8 miles northeast of the State Highway No. 288 bridge across Hazel Creek, and more particularly described as follows:

Beginning at a point in the center line of Proctor's Mill Creek and in the prolongation of a fence line, a corner of the lands of the Bland W. Coburn Heirs, and W. A. Franklin; thence with W. A. Franklin's line and the center line of the creek as it meanders upstream approximately 220 feet to a point; thence leaving the creek, N. 40° 00' E. 76 feet, passing stakes at 5 feet and 68 feet, to a point in the center line of the road as it meanders in a general southeasterly direction approximately 560 feet to a point; ^{thence with the center line of the road}

thence, leaving the road, S. 26° 00' E., 70 feet, passing a white oak tree at 10 feet, to a point in the center line of Hazel Creek, a corner of the lands of W. A. Franklin, and the J. E. Coburn Heirs; thence with the J. E. Coburn Heirs' line and the center line of the creek as it meanders downstream approximately 265 feet to a point at the mouth of Proctor's Mill Creek, a corner of the lands of J. E. Coburn Heirs, and the Bland W. Coburn Heirs; thence with the Bland W. Coburn Heirs' line and the center line of Proctor's Mill Creek as it meanders upstream approximately 275 feet to the point of beginning, and containing 1.7 acres, more or less, subject to such rights as may be vested in the county or state to a road which affects approximately 0.1 acre, and to any other rights of way for public roads traversing the described land., subject to any outstanding mineral rights not owned by the respondents herein.

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.

Said property is being condemned subject to flowage easement granted to the United States of America by Millie Marcus Vickery et vir by Grant of Flowage Easement dated August 3, 1942, and recorded in the office of the Register of Deeds of Swain County, North Carolina, in Book 66, page 112.

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 miniment of title.

DONE this 29 day of May, 1947.

/s/ 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 ~~single decree~~ entered in Docket Book 5, Page 73, on the 31 day of May, 1947, on file and remaining of record in my office in the matter of United States ex rel. Tennessee Valley Authority v. Millie Marcus Vickery, et al., No. 571

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the said District Court, at Asheville, North Carolina, this 31 day of May, A. D., 1947.

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

U. S. District Court Seal Affixed.

STATE OF NORTH CAROLINA, SWAIN COUNTY

The foregoing certificate of J. Y. Jordan, by W. C. 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 16th day of June, 1947.

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

Filed for Registration at 10:00 o'clock A. M. June 16th, 1947 and registered in the office of the Register of Deeds for Swain County, North Carolina, in Book 71, Page 598 June 20th, 1947.

E. J. Seay
Register of Deeds

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ASHEVILLE DIVISION

UNITED STATES OF AMERICA
Upon the relation and
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TENNESSEE VALLEY AUTHORITY
Petitioner

v.

Andrew J. DeHart
MARY EVERETT DeHART, his wife
EMMA DEHART HYATT
JAMES ROBERT DeHART
NOLA GIBSON DeHART, his wife
HATTIE DeHART ROGERS
FRENCH ROGERS, her husband
ADDIE DEHART NOLAND
ROBERT L. NOLAND, her husband
MINNIE DEHART WOMACK
DILLARD LOVELL DEHART
BETTY MILLER DEHART, his wife
CLEMMIE PAULINE DEHART
OLLIE MARIE DEHART, a minor
NEVADA SHULER SNOW
ROBERT WALTER SNOW

FILED

O.K.

June 4, 1947

CLERK, U. S. DIST. COURT

No. 610