

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.

PRUDIE C. PRINCE
TOM PRINCE, her husband
J. CAS CABLE
VIRGIA SHANNON CABLE, his wife
ELLIS CABLE
NAOMI SIZEMORE CABLE, his wife
ARNOLD CABLE, individually and
as guardian of Nina, Cable
Kenneth Cable, Charlie Cable, Jr.,
Maude Cable, Cecil Cable, and
Hubert Cable, minors
JOSEPHINE MOORE CABLE, his wife
REVONDA C. PRINCE
HARLEY PRINCE, her husband
MYRTLE C. ORR
JOHN S. ORR, her husband
VERLIN CABLE
ELSIE PRINCE CABLE, his wife
MILDRED C. McCARTER
RALEIGH McCARTER, her husband
NINA CABLE, a minor
KENNETH CABLE, a minor
CHARLIE CABLE, JR., a minor
MAUDIE CABLE, a minor
CECIL CABLE, a minor
HUBERT CABLE, a minor
HAROLD HALL, a minor
IRETA HALL, a minor
LONNIE SEABOLT
WILL W. WIGGINS, individually and as
executor under the will of Bland W. Coburn
ESTELLE R. WIGGINS, his wife
GERTRUDE W. DUCKETT
CATHERINE W. SWANN
WALTER B. WIGGINS
BIRDIE G. WIGGINS, his wife
S.W. BLACK, executor under the will of Bland
W. Coburn

Respondents

No 586

FINAL DECREE

This cause came on to be heard upon the petition for condemnation; declaration of taking; answer of respondents Prudie C. Prince, Tom Prince, J. Cas Cable, Virgia Shannon Cable, Arnold Cable (individually and as guardian of Nina Cable, Kenneth Cable, Charles Cable, Jr., Maudie Cable, Cecil Cable, and Hubert Cable, minors), Josephine Moore Cable, Revonda C. Prince, Harley Prince, Myrtle C. Orr, John S. Orr, Verlin Cable, Elsie Prince Cable, Mildred C. McCarter, Raleigh McCarter, Nina Cable, a minor, Kenneth Cable, a minor, Charlie Cable, Jr., a minor, Maudie Cable, a minor, Cecil Cable, a minor, Hubert Cable, a minor, by their attorney R.L. Phillips; answer of respondents Harold Hall and Ireta Hall, minors, by their guardian ad litem Reed Kitchin; answer of respondents Will W. Wiggins (individually and as executor under the will of Bland W. Coburn), Estelle R. Wiggins, Gertrude W. Duckett, Catherine W. Swann, Walter B. Wiggins, Birdie G. Wiggins, and S.W. Black (executor under the will of Bland W. Coburn), by their attorney E.B. Whitaker; decree pro confesso against Ellis Cable, Naomi Sizemore Cable, and Lonnie Seabolt; 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 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 accepted service or 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 property herein condemned was owned by the heirs at law of H.K. Cable, deceased, whose names and interests are as follows: Prudie C. Prince, J. Cass Cable, Ellis Cable, Arnold Cable, Rhonda C. Prince, and Myrtle C. Orr each owned an undivided one-eighth (1/8) fee simple interest; Verlin Cable, Mildred C. McCarter, Nina Cable, (Williams), Kenneth Cable, Charlie Cable, Jr., Maudie Cable, Cecil Cable, and Hubert Cable each owned an undivided one-sixty-fourth (1/64) interest in fee simple as the heirs at law of Charlie Cable, deceased son of H.K. Cable; Harold Hall and Ireta Hall (Carter) each owned an undivided one-sixteenth (1/16) interest in fee simple as the heirs at law of Clara C. Hall, deceased daughter of said H.K. Cable.

Elsie Prince Cable, wife of Verlin Cable, Virgie Shannon Cable, wife of J. Cas Cable, Naomi Sizemore Cable, wife of Ellis Cable, and Josephine Moore Cable, wife of Arnold Cable, had inchoate rights of dower in and to the interests of their respective husbands in the said property.

The County of Swain had a lien upon said property for taxes for the year 1945, which lien has been paid out of the funds on deposit in this cause by proper order of this Court.

No other parties had any right, title, claim, or interest in the property herein condemned.

IV

The petitioner, upon filing the declaration of taking in this cause, deposited the sum of Three Thousand Eight Hundred Thirteen Dollars and Fifty Five cents (\$3,813.55) as its estimate of the value of the property herein condemned, and the Commissioners awarded the said sum as the true value of and as just compensation of said property, all of which funds have 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 Three Thousand Eight Hundred Thirteen Dollars and fifty-five Cents, (\$3,813.50) 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 in this cause on December 30, 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-495

A tract of land lying in Forneys Creek Township of Swain County, State of North Carolina, on the right side of the Little Tennessee River, approximately 1-1/4 miles west of the Fontana Dam, and more particularly described as follows:

Beginning at a 14 inch pine tree, a corner of the land in dispute between the Bland W. Coburn Heirs and the Sloan Heirs, and the land of the J.E. Coburn & Bland W. Coburn Heirs; thence with the J.E. & Bland W. Coburn Heir's line N. 87° 00' W., 2200 feet to a maple tree, a corner of the lands of the J.E. & Bland W. Coburn Heirs, and the Carolina Alumium Company; thence with the Company's, Arnold Cable et ux's, and the J.E. & Bland W. Coburn Heirs' line N. 7° 00' E., 1210 feet, passing an iron pipe at 490 feet and crossing State Highway No. 288 at approximately 740 feet, to a point thence with the J.E. & Bland W. Coburn Heirs' line due east, 1470 feet to a point; thence N. 6° 00' E., 295 feet to a point; in the center line of a branch, a corner of the lands of the J.E. & Bland W. Coburn Heirs, and the Charlie Cable Heirs; thence with the Charlie Cable Heirs' line and the center line of the branch as it meanders downstream approximately along a bearing and distance of S. 41° 00' E., 930 feet to a point, a corner of the land of the Charlie Cable Heirs, the land in dispute between the Charlie Cable Heirs and the Bland W. Coburn Heirs, and the land in dispute between the Bland W. Coburn Heirs and the Sloan Heirs; thence, leaving the branch, with the line of the land in dispute between the Bland W. Coburn Heirs and the Sloan Heirs; S. 6° 00' W., 945 feet to the point of beginning, and containing 61 acres, more or less, subject to such rights as may be vested in the county or state to State Highway No. 288 which affects approximately 2.3 acres and to any other rights of way for public roads traversing the described land, and to such rights as may be vested in third parties to telephone and transmission line rights of way.

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.

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and every part thereof, was divested out of each and every respondent in this cause and was 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 11 day of June, 1946.

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