

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. )  
VERLIN CABLE )  
ELSIE PRINCE CABEE, 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 )  
ARNOLD CABLE, guardian of Nina Cable, Kenneth )  
Cable, Charlie Cable, Jr., Maudie Cable, )  
Cecil Cable and Hubert Cable, minors )  
E.W. HARRILL )  
FRED HARRILL )  
JOHN WATSON )  
BASS A. GRAY )  
JONAH DEETSUKIE )  
WILL W. WIGGINS, individually and as executor )  
under the will of Bland W. Coburn, deceased )  
ESTELLE R. WIGGINS, his wife )  
GERTRUDE W. DUCKETT )  
CATHERINE W. SWAN )  
WALTER B. WIGGINS )  
BIRDIE G. WIGGINS, his wife )  
S.W. BLACK, executor under the will of Bland )  
W. Coburn, deceased )  
H.H. SPENCE )  
Respondents )

No. 595

FINAL DECREE

This cause came on to be finally heard upon the petition for condemnation; declaration of taking; answer of Verlin Cable, Elsie Prince Cable, Mildred McCarter, Raleigh McCarter, and Arnold Cable, Guardian of Nina Cable, Kenneth Cable, Charlie Cable, Jr., Maudie Cable, Cecil Cable, and Hubert Cable, minors; answer of Will W. Wiggins, individually and as executor under the will of Bland W. Coburn, and Estelle R. Wiggins, wife of Will W. Wiggins, Gertrude W. Duckett, Catherine W. Swan, Walter B. Wiggins, Birdie G. Wiggins, his wife, and S.W. Black, as executor under the will of Bland W. Coburn, deceased, by their attorney, E.B. Whitaker; decree pro confesso against Bass A. Gray, Jonah Deetsukie, Will W. Wiggins, Estelle R. Wiggins, Gertrude W. Duckett, Catherine W. Swan, Walter B. Wiggins, Birdie G. Wiggins, S.W. Black, E.W. Harrill, Fred Harrill, John Watson and J.H. Spence; 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 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 judgement.

III

At the time of the filing of the declaration of taking in this cause the respondents Verlin Cable, Mildred C. McCarter, and Nina Cable Williams, Kenneth Cable, Charlie Cable, Jr., Maudie Cable, Cecil Cable and Hubert Cable, minors, each owned an undivided one-eighth (1/8) fee simple title to the property herein condemned, as the heirs at law of Charlie Cable, deceased.

Elsie Prince Cable, wife of Verlin Cable, had an inchoate right of dower in and to the interest of her said husband.

No respondent other than those hereinabove mentioned had any right, title, interest or estate in and to said land.

All taxes levied and assessed against said land by Swain County, have been paid and the liens discharged.

The petitioner, upon filing the declaration of taking in this cause, deposited the sum of Three Thousand Sixty Dollars and Ninety-one Cents (\$3,060.91) as its estimate of the value of the property herein condemned. The Commissioners awarded the said sum of Three Thousand Sixty and Ninety one Cents (\$3,060.91) as the true value of and as just compensation for said property, all of which fund has been disbursed by property 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 Sixty Dollars and Ninety-one Cents (\$3,060.91) 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 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-496

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 northwest of the Fontana Dam, and more particularly described as follows:

Beginning at an 8 inch dogwood tree, a corner of the land of the J.E. & Bland W. Coburn Heirs, and the land in dispute between the Bland W. Coburn Heirs and the Sloan Heirs; thence with the line of the said disputed land, and the line of the land in dispute between the Charlie Cable Heirs and the Bland W. Coburn Heirs S. 6° 00' W., 1085 feet, crossing Sweet Branch at 60 feet and State Highway No. 288 at approximately 570 feet, to a point in the center line of a branch, a corner of the land in dispute between the Charlie Cable Heirs and the Bland W. Coburn Heirs, the land in dispute between the Bland W. Coburn Heirs and the Sloan Heirs, and the land of the H.K. Cable Heirs; thence with the H.K. Cable Heirs' line and the center line of the branch as it meanders upstream approximately along a bearing and distance of N. 41° 00' W., 930 feet to a point, a corner of the lands of the H.K. Cable Heirs, and the J.E. & Bland W. Coburn Heirs; thence, leaving the branch, with the J.E. & Bland W. Coburn Heirs' line N. 6° 00' E., 35 feet to a point; thence S. 83° 00' E., 462 feet to a point; thence N. 9° 00' E., 429 feet to a stake at an old stump hold; thence S. 84° 30' E., 210 feet, crossing Sweet Branch at approximately 140 feet, to the point of beginning, and containing 7.6 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 0.8 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.

and every part thereof, was divested out of each and every respondent in this cause and vested in the United States of America, free of all liens, claims, and encumbrances, except as hereinabove shown, in fee simple, 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 18 day of Dec., 1946.

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

THE UNITED STATES OF AMERICA  
WESTERN DISTRICT OF NORTH CAROLINA

I, J.Y. Jordan, Clerk of the aforesaid 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 97, on the 19 day of December, 1946, and on file and remaining of record in my office in the matter of the United States ex rel. Tennessee Valley Authority v. Verlin Cable et al., No 595.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the said District Court at Asheville, North Carolina this 19 day of December, 1946.

STATE OF NORTH CAROLINA, SWAIN COUNTY

The foregoing certificate of J.Y. Jordan, by O.L. McClerd, 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 4 day of January, 1947.

H.J. Truett  
Clerk Superior Court

Filed for Registration at 10:30 o'clock A.M., January 4, 1947, and registered in the office of the Register of Deeds for Swain County, North Carolina, in Book 71, page 497, January 21, 1947.

E.J. Seay  
Register of Deeds