

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.

No. 597

WILL W. WIGGINS, individually and as executor
of the estate of J.E. Coburn, deceased
ESTELLE R. WIGGINS, his wife
NINA M. SHARP
WALTER B. WIGGINS
BERTIE G. WIGGINS, his wife
KATHERINE WIGGINS SWAN
GERTRUDE WIGGINS DUCKETT
S.W. BLACK, executor of the estate of J.E.
Coburn, deceased

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
ARNOLD CABLE, guardian of Nina Cable, Kenneth
Cable, Charlie Cable, Jr., Maudie Cable
Cecil Cable, and Hubert Cable, minors
ERSKINE W. HARRILL
FRED HARRILL
JOHN WATSON
ARTHUR W. MOORE
CAROLINE MOORE, his wife
EDWIN B. WHITAKER, Trustee

Respondents

FINAL DECREE

This cause came on to be finally heard upon the petition for condemnation; declaration of taking; answer of Nina M. Sharp, Will W. Wiggins, individually and as executors of the estate of J.E. Coburn, deceased, Estelle R. Wiggins, his wife, Walter B. Wiggins, Bertie G. Wiggins, his wife, Katherine Wiggins Swan, Gertrude Wiggins Duckett, S.W. Black; as executor of the estate of J.E. Coburn, deceased; answer of Verlin Cable, Elsie Prince Cable, Mildred C. McCarter, Raleigh McCarter, her husband, Arnold Cable, guardian of Nina Cable, Kenneth Cable, Charlie Cable, Jr., Maudie Cable, Cecil Cable, and Hubert Cable, minors; decree pro confesso against Arthur M. Moore, Caroline Moore, Edwin B. Whitaker, Erskine W. Harrill, Fred Harrill, and John Watson; 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 judgment.

III

At the time of the filing of the declaration of taking in this cause the respondents Will W. Wiggins, Gertrude Wiggins Duckett, widow, Walter B. Wiggins and Katherine Wiggins Swan each owned an undivided one-fourth (1/4) fee simple interest in the property herein condemned, as the heirs at law and devisees of Bland W. Coburn, deceased.

Estelle R. Wiggins, wife of Will W. Wiggins, and Bertie G. Wiggins, wife of Walter B. Wiggins, had inchoate rights of dower in and to the interests of their respective husbands in the land herein condemned.

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

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

The Petitioner, upon filing the declaration of taking in this cause, deposited the sum of Five Hundred Fifteen Dollars and Fifty-five Cents (\$515.55) as its estimate of the value of the property herein condemned. The Commissioners awarded said sum of Five Hundred Fifteen Dollars and Fifty-five Cents (\$515.55) 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 Five Hundred Fifteen Dollars and Fifty five Cents, (\$515.55) 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-497

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 a point in the center line of Sweet Branch, a corner of the land of the Charlie Cable 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 with the center line of the branch as it meanders downstream approximately 1020 feet to a point; thence, leaving the branch, S. 71° 00' W., 230 feet to a point in the center line of an unnamed branch; thence with the center line of the unnamed branch as it meanders upstream approximately along a bearing and distance of N. 30° 00' W., 30 feet to a point, a corner of the land in dispute between the Bland W. Coburn Heirs and the Sloan Heirs; and the lands of the H. K. Cable Heirs, and the Charlie Cable Heirs; thence, leaving the branch, with the Charlie Cable Heirs' line N. 6° 00' E., 1025 feet crossing State Highway No. 288 at approximately 520 feet, to the point of beginning, and containing 4.1 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 0.3 acre 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 December, 1946.

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

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 99, on the 19 day of December, 1946, and filed and remaining of record in my office in the matter of the United States ex rel. Tennessee Valley Authority v. Will W. Wiggins, et al., No. 597.

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, A.D., 1946.

U.S. District Court seal affixed

H.Y. Jordan (Clerk)
By O.L. McLeod Deputy Clerk

STATE OF NORTH CAROLINA, SWAIN COUNTY

The foregoing certificate of J.Y. Jordan, By O.L. McLeod, 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.

Filed for Registration at 10:40 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 499, January 22, 1947.

H.J. Truett
Clerk Superior Court SWAIN Co. N.C.
[Signature]
Register of Deeds