

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

Petitioner

v.

RUSSELL A. WELCH
ROSE WELCH, his wife
ELBERT T. WELCH
EDITH WELCH, his wife

Respondents

FILED

May-3-1946

Clerk U.S. Dist. Court

No/ 484

FINAL DECREE

This cause came on to be finally heard upon the petition for condemnation; declaration of taking; answer of all the respondents in this cause; reports 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 property herein condemned was owned in fee simple by Russell A. Welch and Elbert T. Welch, subject to the inchoate rights of dower of their wives. Rose Welch, wife of Russell A. Welch, and Edith Welch, wife of Elbert T. Welch, had inchoate rights of dower in undivided one-half interests in said property belonging to their respective husbands.

All taxes which constituted a lien against said property have been paid and the lien discharged.

IV

The petitioner, upon filing the declaration of taking in this cause, deposited the sum of One Thousand Dollars (\$1,000) as its estimate of the value of the property herein condemned. The Commissioners awarded the sum of One Thousand Two Hundred Sixty Dollars (\$1,260) as the true value of and as just compensation for said property. The additional sum of Two Hundred Sixty Dollars (\$260), plus interest in the amount of Twenty-nine Dollars and Twenty-nine Cents (\$29.29), has been deposited in the registry of this Court by petitioner, making a total deposit of One Thousand Two Hundred Eighty-nine Dollars and Twenty-nine Cents (\$1,289.29), all of which funds have been disbursed by proper order of this Court.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that:

1. The reports of the Special Master, to which no exceptions were filed, be and the same are fully and finally confirmed.
2. The report of the Commissioners, to which no exceptions were filed, awarding the sum of One Thousand Two Hundred Sixty Dollars (\$1,260) 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 March, 18, 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-508

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 3/4 mile west of the Bushnell Depot, and more particularly described as follows:

Beginning at a point in the center line of Welch Branch witnessed by an iron pipe, a corner of the lands of S.C. Welch, and R.E. Cable et ux; thence with R.E. Cable's line S. 25° 00' W., 840 feet to a point, a corner of the lands of R.E. Cable et ux, and R.A. & E.T. Welch; thence With R.A. & E.T. Welch's line S. 25° 00' W., 150 feet to an 8 inch

hickery tree; thence S. 19° 00' E., 180 feet to a black oak stump; thence S. 61° 00' W., 430 feet, crossing Hogpen Branch at approximately 240 feet, to a point; thence N. 71° 00' W., 245 feet to a point (previously described as a 14 inch black oak tree), a corner of the lands of R.A. & E.T. Welch, and the Nantahala Power & Light Company; thence with the said Company's line N. 65° 47' W., 493 feet to a point (previously described as a 16 inch pine tree); thence N. 20° 42' W., 428 feet to a point (previously described as an 8 inch spanish oak tree); thence N. 29° 15' W., 570 feet to a point (previously described as an 8 inch spanish oak tree); thence N. 14° 51' W., 202 feet to a point (previously described as a 14 inch spanish oak tree); thence N. 31° 53' W., 174 feet to a point (previously described as an iron pipe), a corner of the lands of the Nantahala Power & Light Company, and R.E. L. Monteith; thence with R.E.L. Monteith's line N. 4° 00' E., 305 feet to a pine stump at the top of a ridge; a corner of the lands of R.E.L. Monteith, J.G. Chambers et ux, and S.C. Welch; thence with S.C. Welch's line N. 37° 00' E., 297 feet to a point; thence N. 80° 00' E., 396 feet to a 24 inch spanish oak tree at the top of a ridge and in the fence line; thence with the top of a ridge as it meanders in a southeasterly direction approximately along the following bearings and distances; S. 78° 00' E., 300 feet; S. 64° 00' E., 360 feet; S. 52° 00' E., 910 feet; to a point; thence, leaving the ridge, S. 49° 00' E., 100 feet to the point of the beginning, and containing 63 acres, more or less, subject to such rights as may be vested in the county or state to rights of way for public roads.

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.

An undivided one-fourth(1/4) interest in the minerals on said property is outstanding in third parties, and petitioner does not seek to acquire said outstanding interest in this proceeding.

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 2 day of May, 1946.

E.Y. Webb
Judge, United States District Court

CX-583

THE UNITED STATES OF AMERICA)
WESTERN DISTRICT OF NORTH CAROLINA) SS

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 4, Page 138, on the 3 day of May, 1946, on file and remaining of record in my office in the matter of the United States ex rel. Tennessee Valley Authority v. Russell A. Welch, et al., No. 484.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the said District Court, at Asheville, North Carolina, this 3rd day of May, A.D., 1946.

J.Y. Jordan Clerk
By O.L. McLeod,
Deputy Clerk

District Court Seal Affixed:

STATE OF NORTH CAROLINA, SWAIN COUNTY

The foregoing certificate of J.Y. Jordan, Clerk, 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 27 day of May, 1946.

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

Filed for Registration at 9:30 o'clock A.M., May 27, 1946 and registered in the office of the Register of Deeds for Swain County, North Carolina, in Book 71, page 57, June 3, 1946.

E. J. Truett
Register of Deeds
Swain County
North Carolina