

Tract Nos. Fr-510, 892, & 893
Vol No. 46-47682IN 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.

ELIZABETH W. WELCH
ROBERT CRISP

Respondents

FILED

May 3, 1946

Clerk U.S. Dist. Court
No. 482FINAL DECREE

This cause came on to be finally heard upon the petition for condemnation; declaration of taking; answer of Elizabeth W. Welch; decree pro confesso against Robert Crisp; 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, 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 Elizabeth W. Welch.

No other party had any right, title, claim, or interest in the said property.

All taxes which constituted alien 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 Six Thousand Dollars (\$6,000) as its estimate of the value of the property herein condemned. The Commissioners awarded the sum of Seven Thousand Seven Hundred Fifty-five Dollars (\$7,755) as the true value of and as just compensation for said property. The additional sum of One Thousand Seven Hundred Fifty-five Dollars (\$1,755), plus interest in the amount of One Hundred Ninety-seven Dollars and Seventy-three cents (\$197.73), has been deposited in the registry of this Court by petitioner, making a total deposit of Seven Thousand Nine Hundred Fifty-two Dollars and Seventy-three Cents (\$7,952.73), 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 Seven Thousand Seven Hundred Fifty-five Dollars (\$7,755) 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-510

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 1/2 mile west of the Bushnell Depot, and more particularly described as follows:

Beginning at a point in the center line of Hogpen Branch, a corner of the lands of the D.G. Fisher Heirs, and R. A. & E.T. Welch; thence with R.A. & E.T. Welch's line S. 88° 00' E., 465 feet to a point; thence N. 21° 30' W., 1135 feet to a point, a corner of the lands of R.A. & E.T. Welch, and R.E. Cable et ux; thence with R.E. Cable's line N. 81° 30' E., 1230 feet, crossing Welch Branch at approximately 480 feet and a public road at approximately 530 feet, to a point on the east edge of a private road, a corner of the lands of R.E. Cable et ux, and A. I. Calhoun et ux; thence with A. I. Calhoun's line and the east edge of the private road as it meanders in a southwesterly direction approximately along the following bearings and distances: S. 36° 00' W., 183 feet; S. 1° 00' W., 129 feet; S. 35° 00' W., 125 feet; S. 67° 30' W., 90 feet; S. 19° 00' W., 60 feet; to a point in the center line of a public road, a corner of the lands of A.I. Calhoun et ux, and the A.I. Calhoun Heirs; thence with the A.I. Calhoun Heirs' line and the center line of the public road as it meanders approximately along a bearing and distance of S. 10° 00' E., 325 feet, to a point; thence, leaving the road, S. 70° 00' E., 15 feet to an iron pipe, a corner of the lands of A.I. Calhoun Heirs, and the Bushnell Baptist Church; thence with the said Church's line S. 17° 00' E., 150 feet, crossing a public road, to a point, a corner of the lands of the Bushnell Baptist Church, and the Nantahala Power & Light Company; thence with the said Company's line S. 68° 00' W., 88 feet to a 14 inch hickory tree; thence S. 16° 20' E., 316 feet to a point (previously described as a pipe), a corner of the lands of the Nantahala Power & Light Company, the Swain County Board of Education, and the Georgia Industrial Realty Company; thence with the said Realty Company's line S. 26° 00' E., 100 feet to a white oak stump, a corner of the lands of the Georgia Industrial Realty Company, and the D.G. Fisher Heirs; thence with the D.G. Fisher Heirs' line S. 50° 00' W., 230 feet to a point; thence S. 56° 00' W., 205 feet to a point; thence S. 50° 00' W., 90 feet to a point; thence S. 56° 00' W., 170 feet to a point; thence S. 51° 00' W., 80 feet to a point; thence S. 1° 00' W., 105 feet to a point; thence S. 40° 00' W., 370 feet to a point; thence S. 65° 00' W., 400 feet to a point in the center line of Hogpen Branch; thence with the center line of the branch as it meanders upstream approximately 1200 feet to the point of beginning, and containing 39.5 acres, more or less, subject to such rights as may be vested in the county or state to a road which affects approximately 1.2 acres, and to any other rights of way for public roads traversing the described land.

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.

TRACT FR-892

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 1/2 mile west of the Bushnell Depot, and more particularly described as follows:

Beginning at an iron pipe in a fence line, a corner of the land in dispute between the Nantahala Power & Light Company and the Swain County Board of Education, and the land of the Bushnell Baptist Church; thence with the said Church's line and the fence line N. 17° 00' W., 118 feet to a point, a corner of the lands of the Bushnell Baptist Church, and the A.I. Calhoun Heirs; thence with A.I. Calhoun Heirs' line, leaving the fence line, S. 70° 00' E., 112 feet to a point in the center line of the Pound Mill Branch witnessed by a stake, a corner of the lands of the A.I. Calhoun Heirs, and A.I. Calhoun et ux; thence with A.I. Calhoun's line and the center line of the branch as it meanders downstream approximately 40 feet to a point witnessed by an iron pipe, a corner of the lands of A.I. Calhoun et ux, and the Nantahala Power & Light Company, and the land in dispute between the Nantahala Power & Light Company and the Swain County Board of Education; thence with the line of the said disputed land, leaving the branch, S. 66° 00' W., 88 feet to the point of beginning, and containing 0.2 acre, 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.

Tract FR-893

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 1/2 mile west of the Bushnell Depot, and more particularly described as follows:

Beginning at a stake, a corner of the lands of the Nantahala Power & Light Company, and A.I. Calhoun et ux; thence with A.I. Calhoun's line N. 10° 30' E., 789 feet to an 8 inch white oak tree; thence N. 11° 00' W., 95 feet to a point, a corner of the lands of A.I. Calhoun et ux, and R.E. Cable et ux; thence with R.E. Cable's line N. 81° 00' E., 210 feet to a point; thence S. 21° 00' E., 685 feet to a fence angle, a corner of the lands of R.E. Cable et ux, and E.M. Hampton; thence with E.M. Hampton's line and a fence line N. 51° 00' W., 226 feet to a fence corner; thence S. 38° 00' W., 104 feet to a fence angle; thence S. 28° 00' W., 240 feet to a 14 inch apple tree at a fence angle; thence S. 8° 00' E., 8 feet to a fence corner, a corner of the lands of E.M. Hampton, and the Georgia Industrial Realty Company; thence with the said Realty Company's line and a fence line S. 80° 00' W., 15 feet to a fence corner, a corner of the lands of the Georgia Industrial Realty Company, and the Swain County Board of Education; thence with the said Board's, and the Nantahala Power & Light Company's line, leaving the fence line, S. 66° 00' W., 225 feet, passing a stake at 70 feet, to the point of beginning, and containing 5.8 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 mineral rights owned by third parties in the above described land designated as Tracts FR-510, FR-892, and FR-893, is not sought to be condemned 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 107, on the 3rd day of May, 1946, on file and remaining of record in my office in the matter of United States ex rel. Tennessee Valley Authority v. Elizabeth W. Welch, et al., No. 482.

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.

U.S. District Court, S. D. Ass'n

J.Y. Jordan Clerk

By O.L. McLeod Deputy Clerk

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 27th day of May, 1946.

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

Filed for Registration at 9:25 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 67, June 12, 1946.

E. J. Sear
Register of Deeds

Tract No. FR-1034

Vol. No. 44-113660

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

Filed

Petitioner

v.

LOUIS E. HUNTER
ESTELLA HUNTER, his wife
ELIZABETH MARSHALL KEYS
STOCKHOLDERS AND CREDITORS, as a
class, of NORWOOD LUMBER COMPANY
a corporation
UNKNOWN PARTIES IN INTEREST

Respondents

CLERK, U.S. DIST COURT

No. 516

FINAL DECREE

This cause came on to be finally heard upon the petition for condemnation; declaration of taking; answer of Elizabeth Marshall Keys; decree pro confesso against all the other respondents; report of the Special Master; award of the Commission; and all other proceedings.

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 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.