

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA
upon the relation and
for the use of the
TENNESSEE VALLEY AUTHORITY

Petitioner

v.

ROXIE T. DAVIS
DELLA TEAGUE
MINNIE H. TEAGUE
RUBY LEE TEAGUE, a minor
C.H. MEADOWS
STATE OF NORTH CAROLINA, a sovereign State
ASHEVILLE LIVESTOCK YARDS, INC, a corporation

Respondents

No. 477

F I L E D

Dec. 7-1946

CLERK, US. DIST. COURT

FINAL DECREE

This cause came on to be finally heard upon the petition for condemnation; declaration of taking; answer of the State of North Carolina; answer of Ruby Lee Teague, a minor, by her guardian ad litem, Reed Kitchin; decree pro confessor against Roxie T. Davis, Della Teague, Minnie H. Teague, C.H. Meadows and Asheville Livestock Yards, Inc., a corporation; 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 property herein condemned was owned by the heirs at law of J.F. Teague, deceased, as tenants in common in fee simple, subject to Swain County taxes for the year 1944, and to liens and estates, as follows: Judgment in favor of C.H. Meadows in the case of C.H. Meadows v. E.E. Teague, Administrator of J.F. Teague, deceased, in the amount of \$47.40, with interest from January 1, 1927, until paid, together with costs in the sum of \$4.60, as shown on Judgment Docket 11, page 234, in the office of the Clerk of the Superior Court of Swain County;

The interest of Ruby Lee Teague was subject to the dower right of her mother, Minnie H. Teague; The interest of Ruby Lee Teague was further subject to a lien for costs of a judgment in the case of the Asheville Livestock Yard, Inc., v. Fred Ledford and Gene Teague, in the amount of \$18.75, in the Superior Court of Buncombe County, as shown in Judgment Docket 12, page 524, in the office of the Clerk of the Superior Court of Swain County;

Said Ruby Lee Teague's interest was also subject to a lien for a judgment in the case of State v. E.E. Teague et al., in the amount of \$7.45, as shown on Judgment Docket 12, pages 456 and 493, in the Superior Court of Swain County.

All of the above liens have been paid and the liens discharged.

IV

The petitioner, upon filing the declaration of taking in this cause, deposited the sum of Three Hundred Eight Dollars and Sixty-seven Cents (\$308.67) as its estimate of the value of the property herein condemned. The Commissioners awarded the said sum of Three Hundred Eight Dollars and Sixty-seven Cents (\$308.67) 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} 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 Three Hundred

3. The divestiture of title as evidenced by the declaration of taking filed on March 10, 1944, by virtue of which all right, title, claim, and interest of every kind, nature, and character in and to an undivided one-half (½) fee simple interest in the following described property, to-wit:

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 3/8 miles north of the mouth of Chambers Creek, and more particularly described as follows:

NOTE: The coordinates and bearings given in the above description are for the North Carolina State Coordinate System, Lambert Projection, as established by the U.S. Coast and Geodetic Survey. The origin for this coordinate system is at Latitude 33° 45' N., and Longitude 79° 00' W., and has been assigned a value of x = 2,000,000 feet and y = 0 feet.

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.

/s/ E.Y. Webb
Judge

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 102, on the 7 day of Dec., 1946, on file and remaining of record in my office in the matter of the United States ex rel. Tennessee Valley Authority v. Roxie T. Davis, et al., No. 477.

J.Y. Jordan Clerk

By O.L. McLurd Deputy Clerk

The foregoing certificates of J.Y. Jordan, by O.L. McLurd, 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.

Annie Mae Truett
Deputy Clerk Superior Court
Swain County, North Carolina

47.

E. J. Lay

Register of Deeds