

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.) No. 477
ROXIE T. DAVIS)
DELLA TEAGUE) FILED
MINNIE H. TEAGUE) Dec. 7-1946
RUBY LEE TEAGUE, a minor)
C.H. MEADOWS)
STATE OF NORTH CAROLINA, a sovereign State)
ASHEVILLE LIVESTOCK YARDS, INC., a corporation) CLERK, US. DIST. COURT
Respondents)

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 confessorum 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

Eight Dollars and Sixty-seven Cents (\$308.67) 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 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:

Tract FR-546

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:

Beginning at a 12 inch black jack tree at the top of a ridge, a corner of the lands of M.A. Chambers, and W.W. Crisp; thence with W.W. Crisp's line S. $54^{\circ} 00'$ W., 170 feet to a hickory stump; thence S. $69^{\circ} 00'$ W., 130 feet, passing an 8 inch poplar tree at 100 feet, to a point in the center line of Cross Fence Branch; thence with the center line of the branch as it meanders downstream approximately 440 feet to a point (previously described as a 30 inch white oak) tree, a corner of the lands of W.W. Crisp, and the Nantahala Power & Light Company; thence, leaving the branch, with the Company's line S. $80^{\circ} 18'$ W., 454 feet to a point (previously described as an iron pipe) in the center line of Hyde Branch; thence S. $82^{\circ} 01'$ W., 219 feet to a 12 inch pine tree (Coordinates; N. 648, 657; E. 522, 786); thence N. $50^{\circ} 39'$ W., 359 feet to a point (previously described as a 4 inch hickory tree); thence N. $26^{\circ} 42'$ E., 248 feet to a point (previously described as an iron pipe); thence N. $54^{\circ} 13'$ E., 123 feet to a point (previously described as an 18 inch pine tree); thence N. $16^{\circ} 52'$ W., 169 feet to a point (previously described as an 8 inch dogwood tree); thence N. $38^{\circ} 46'$ E., 504 feet to a point (previously described as a 9 inch post oak tree); thence N. $88^{\circ} 51'$ E., 585 feet to a point (previously described as a black jack tree) at the top of a ridge, a corner of the lands of the Nantahala Power & light Company, and M.A. Chambers; thence with M.A. Chambers' line and the top of the ridge as it meanders approximately along the following bearings and distances; S. $16^{\circ} 00'$ E., 220 feet; S. $6^{\circ} 00'$ W., 240 feet to the point of beginning, and containing 18.8 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 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.

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, 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 6 day of Dec. 1946.

/s/ E.Y. Webb
Judge

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 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.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the said District Court, at Asheville, North Carolina, this 7th day of Dec., A.D., 1946.

J.Y. Jordan Clerk
By O.L. McLurd Deputy Clerk

STATE OF NORTH CAROLINA. SWAIN COUNTY

The foregoing certificates of J.Y. Jordan, by OLL. 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.

Let the instrument, and the certificates, be registered, this the 14 day of December, 1946.

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

Filed for Registration at 9:10 o'clock A.M. December 14, 1946, and registered in the office of the Register of Deeds
for Swain County, North Carolina, in Book 71, page 356, January 8, 1947.

47. C. J. Slay
Register of Deeds