

**NORTH CAROLINA**

SWAIN COUNTY

I, E.R. Moore, a Notary Public in and for the county of Cherokee, state of North Carolina, do hereby certify that Texie B. M<sup>r</sup>row and her husband Zeb Morrow, personally appeared before me this day and acknowledged the due execution by them of the foregoing and annexed deed of conveyance.

Witness my hand and Notarial Seal, this the 3rd day of May, 1946.

Seal Affixed:  
My Commission expires 10-13-47

E.R. Moore Notary Public

NORTH CAROLINA  
SWAIN COUNTY

I, H.J. Truett, Clerk of the superior Court of Swain County, North Carolina, do hereby certify that H.P. Browning and his wife, Gladys Browning, personally appeared before me this day and acknowledged the due execution by them of the foregoing and annexed deed of conveyance.

The foregoing certificate of C.A. Setser, a Notary Public in and for the county of Macon, state of North Carolina, Bert Starnes, a Notary Public, in and for the county of Buncombe, state of North Carolina and E.R. Moore, a Notary Public in and for the county of Cherokee, state of North Carolina, duly authenticated by their respective Notarial Seals thereto affixed, are adjudged to be correct and in due form according to law; and the execution of the foregoing and annexed deed of conveyance is adjudged to have been duly proven.

Therefore, let the said deed, together with these certificates, be registered.  
Witness, my hand, this the 3rd day of May, 1946.

H.J. Truett  
Clerk Superior Court

Filed for Registration at 4:30 o'clock P.M. May 4, 1946, and registered in the office of the Register of Deeds for Swain County, North Carolina, in Book 71, page 44, May 16, 1946.

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

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

FR-560  
Voucher No. 45-4241

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

Petitioner } No. 532

10

GILMER WELCH  
NINON WELCH, his wife  
JESSIE CALVIN WELCH, individually and  
as guardian of Vivian Muse, a minor  
THEIRMA PHILLIPS BRYSON  
ODIS BRYSON, her husband  
CLINTON PHILLIPS  
JOSIE WELCH THOMASSON\*  
ROLLINS M. THOMASSON, her husband  
AMANDA WELCH RUSSELL  
JOHN RUSSELL, her husband  
SHERMAN COLUMBUS WELCH  
MINNIE WELCH COFFEY  
VIVIAN MUSE, a minor

### Respondents

**FINAL DECREE**

This cause came on to be finally heard upon the petition for condemnation, declaration of taking, answer of Reed Kitchin, as military service attorney for Clinton Phillips and guardian ad litem for Vivian Muse, a minor, decree pro confesse against all the other respondents, 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.

三

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.

111

At the time of filing of the declaration of taking in this cause the property herein condemned was owned by the heirs of J.E. T. Welch, whose names and the interests owned by each are as follows.

J.C. Welch, Josie Welch Thomasson, Gilmer Welch, Amanda Welch Russell, Columbus Welch, Minnie Welch Coffey and Vivian Muse each owned an undivided one-eighth (1/8) interest. Thelma Phillips Bryson and Clinton Phipps each owned an undivided one-sixteenth (1/16) interest. Ninon Welch, wife of Gilmer Welch, had an inchoate right of dower in the one-eighth (1/8) interest owned by her husband, Gilmer Welch.

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

All the taxes against the 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 Hundred Dollars (\$100) as its estimate of just compensation, and the Commissioners awarded the sum of One Hundred Dollars (\$100) as the true value and as just compensation for the said property condemned. All of such 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 award of the Commissioners heretofore entered in this cause to which no exceptions were filed, be and the same is fully and finally confirmed.

3. The divestiture of title as evidenced by the declaration of taking filed on July 17, 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-560

A tract of land lying in Forneys Creek Township of Swain County, State of North Carolina, on the right side of the Tuckasegee River, approximately 1 mile northwest of the Bushnell Depot, and more particularly described as follows:

Beginning at a fallen black oak tree at the top of a ridge, a corner of the lands of R.E. Cable et ux, and J.C. Welch; thence with J.C. Welch's line and the top of the ridge as it meanders approximately along a bearing and distance of N. 76° 00' W., 365 feet, to a point, a corner of the lands of J.C. Welch, and S.C. Welch; thence with S.C. Welch's line, leaving the ridge, N. 7° 00' W., 240 feet to a point; thence N. 75° 00' W., 335 feet to a point; thence N. 7° 00' E., 425 feet to a point, a corner of the lands of S.C. Welch, and the A.J. Montieth Heirs; thence with the A.J. Montieth Heirs' line N. 85° 00' E., 170 feet to a 12 inch pine tree, a corner of the lands of the A.J. Montieth Heirs, and D.E. Gunter; thence with D.E. Gunter's line N. 89° 00' E., 195 feet to a point (previously described as a pine stump), a corner of the lands of D.E. Gunter, the Nantahala Power & Light Company, and the Nantahala Power & Light Company et al; thence with the said Company's line S. 32° 04' E., 873 feet to a point (previously described as a 20 inch spanish oak tree); thence S. 36° 25' W., 168 feet to a point (previously described as a black oak tree); thence S. 9° 07' W., 84 feet to a point (previously described as a 20 inch oak tree), a corner of the lands of the Nantahala Power & Light Company et al, and R.E. Cable et ux; thence with R.E. Cable's line N. 59° 00' W., 95 feet to the point of beginning, and containing 10.5 acres, more or less, subject to such rights as may be vested in the county or state to rights of way for public roads, and also subject to any outstanding mineral rights not owned by the respondents herein.

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 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 6th day of April, 1946.

/s/ E.Y. Webb  
Judge

CE-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 Civil Docket Book 5, page 34, on the 8 day of April, 1946, on file and remaining of record in my office in the matter of the United States ex rel. Tennessee Valley Authority v. Gilmer Welch, et al., No. 532.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the said District Court, at Asheville, North Carolina, this 18th day of April, A.D., 1946.

U.S. District Court Seal Affixed

J.Y. Jordan Clerk

By O.L. McLoud  
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 2nd day of May, 1946.

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

Filed for Registration at 1:15 o'clock P.M. May 2, 1946, and registered in the Office of the Register of Deeds for Swain County, North Carolina, in Book 71, page 45, May 21, 1946.

*E.J. Seay*  
Register of Deeds

NORTH CAROLINA

SWAIN COUNTY

THIS DEED, made this the 15th day of May, 1946, by H.J. TRUETT and wife, ANNIE MAE TRUETT, R.O. MARTIN, and wife, PEARL MARTIN, and F.C. SHULER and wife, EDNA SHULER, all of Swain County, North Carolina, parties of the first part, To HARRY B. DITMORE and wife, PAULINE R. DITMORE, of Madison County, North Carolina, parties of the second part,

W I T N E S S E T H:

That the said parties of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS and other valuable considerations to them paid by the said parties of the second part, the receipt of which is hereby acknowledged, have bargained and sold, and do, by these presents, give, grant, bargain, sell and convey unto the said parties of the second part, their heirs and assigns, forever, all of the following described tracts or parcels of land, lying and being in Swain County North Carolina, adjoining the lands of George Edwards, Alfred Edwards and others, and bounded and described as follows, viz:

FIRST TRACT: BEGINNING on a post oak on top of the ridge, George Edwards' corner, and runs with his line and top of the ridge N. 66 E. 7 poles to a black oak; then N. 62 E. 8 poles to a sassafras; then N. 48 E. 10 poles and 15 links to a stone on top of ridge; then N. 10 W. 15½ poles to a black oak; then N. 12½ E. 9 poles to a small ironwood on the bank of a branch; then N. 2½ E. 43 poles to a stake; then N. 45 W. 11 poles to a poplar; then N. 22 W. 11 poles to a black oak; Ammons' Corner; then N. 72 W. 8 poles to a white oak, Ammons' corner; then S. 61 W. 10 poles to a pine; then S. 57 W. 22 poles to a post oak stump; then S. 11 E. 12 poles to a black oak; then S. 26 E. 20 poles to a white oak, Alfred Edwards' corner; then with his line S. 17 E. crossing the Turkey Branch at 10½ poles 42 poles to the BEGINNING, containing 25 acres, more or less.

SECOND TRACT: BEGINNING at an ironwood on the bank of Turkey Branch, James Stanbury's corner, and runs with his line N. 2½ E. 43 poles to a stake and sourwood on top of the ridge; then S. 14 W. 57 poles to a chestnut in George Edwards' line; then with his line S. 43 W. 20 poles to a rock, James Stanbury's corner; then with his line N. 10 W. 15½ poles to a black oak; then N. 12½ E. 9 poles to the BEGINNING, Containing 4 acres, more or less.

THIRD TRACT: BEGINNING on a white oak, and runs S. 14 W. 7 poles to a chestnut; then N. 43 E. 11 poles to a rock, George Edwards' corner; then up the branch as it meanders 10 poles to the BEGINNING, containing one-fourth acre, more or less.

Being the same lands conveyed by the deed from W.T. Stanbury and wife, Mayme Stanbury, to H.J. Truett, R.O. Martin, and F.C. Shuler, dated September 27, 1945, and recorded in Deed Book No. 69, page 407, Record of Swain County, North Carolina.

TO HAVE AND TO HOLD said premises, together with all the privileges and appurtenances thereto belonging, unto the said parties of the second part, their heirs and assigns, to their only use and behoof in fee simple forever.

And the said parties of the first part, do, for themselves, their heirs, executors and administrators, covenant to and with the said parties of the second part, their heirs and assigns, that they are seized of said premises in fee, and have the full right and power to convey the same in fee simple; that the same are free and clear of any and all encumbrances; and that they do forever warrant and will forever defend the title to the same against the lawful claims of all persons whomsoever.

IN TESTIMONY WHEREOF, the said parties of the first part have hereunto set their hands and seals, this the day and year first above written.

(Documentary Stamps Attached \$3.30)

H.J. Truett (SEAL)

Annie Mae Truett (SEAL)

R.O. Martin (SEAL)

Pearl Martin (SEAL)

F.C. Shuler (SEAL)

Edna Shuler (SEAL)