

Tract No. FR-565
Voucher No 44-71369

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

Petitioner

v.

THE BOARD OF EDUCATION OF SWAIN
COUNTY, a corporation existing
under the laws of the State of
North Carolina

ORVAL (W.O.) CRISP
CANDAS B. CRISP, his wife
ANNIE CRISP CALHOUN
WILLIAM I. CALHOUN, her husband
ANDREW M. CRISP
SARA P. CRISP, his wife
EMMA CRISP PALMER
SIDNEY PALMER, her husband
JESSE CRISP
BESSIE SMITH CRISP, his wife
ODELL CRISP
RUBY VINCENT CRISP, his wife
THELMA CRISP SHOOK
JOE L. SHOOK, her husband
CLINT CRISP
ALMA JENKINS CRISP, his wife
JAMES CRISP, a minor
SAMUEL H. CRISP, a minor
DONALD CRISP, a minor
ISAAC B. CRISP, individually and as
guardian of James Crisp, Samuel H. Crisp and Donald
Crisp, minors
MARGIE SHOOK CRISP, his wife
GUY POSEY
JESSIE POSEY, his wife

Respondents

No. 473

FILED OCTOBER 31, 1945
CLERK, U. S. DIST COURT

FINAL DECREE

This cause came on to be finally heard upon the petition for condemnation; declaration of taking; answers of all the respondents except Jessie Posey; decree pro confesso against Jessie Posey; report and amended 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 held by the heirs at law of J.M. Crisp, deceased. These heirs were W. Orval Crisp, Annie Crisp Calhoun, A.M. Crisp, Emma Crisp Palmer, and Isaac B. Crisp, who each owned an undivided one-sixth (1/6) interest in the property. Jesse Crisp, Odell Crisp, Thelma Crisp, Shook, Clint Crisp, James Crisp, Samuel H. Crisp, and Donald Crisp were the heirs at law of Harry Crisp, a deceased son of J. M. Crisp, deceased, and they each held an undivided one-forty-second (1/42) interest in the said property, subject to the dower rights of their mother, Hettie Buckner Crisp, Candies B. Crisp, wife of W. Orval Crisp, Sarah P. Crisp, wife of Andrew M. Crisp, Margie Shook Crisp, wife of Isaac B. Crisp, Bessie Smith Crisp, wife of Jesse Crisp, Ruby Vincent Crisp, wife of Odell Crisp, and Alma Jenkins Crisp, wife of Clint Crisp, had inchoate rights of dower in and to the said property of their respective husbands. None of the other respondents had any right, title, claim, or interest in the said property.

The property was subject to a lien for the 1941, 1942, 1943, and 1944 taxes due Swain County, but these taxes have now been paid and the lien discharged.

IV

The petitioner, upon filing the declaration of taking in this cause, deposited the sum of Seven Hundred Dollars (\$700) as its estimate of the value of the property herein condemned, and the commissioners awarded the said sum 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 are fully and finally confirmed.

2. The report of the commissioners, to which no exceptions were filed, awarding the sum of Seven Hundred Dollars (\$700) 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 January 20, 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:

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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 1/2 miles northwest of the mouth of Stecoah Creek, and more particularly described as follows:

Beginning at a point (previously described as a rack) in the center line of Hubbard Mill Creek, a corner of the lands of the W.H. Clark Heirs, Guy Posey et al, and the Nantahala Power & Light Co; thence with the said Company's line and the center line of the creek as it meanders downstream approximately 335 feet to a point at the mouth of a drain; thence with the center line of the drain as it meanders upstream approximately along a bearing and distance of N. 8° 00' E., 180 feet, to a point; thence, leaving the drain, due east 80 feet to a point (previously described as a stake), a corner of the lands of the Nantahala Power and Light Company, and the W.H. Clark Heirs; thence with the W. H. Clark Heirs' line S. 85° 04' E., 191 feet to the point of beginning, and containing 0.5 acre, more or less, subject to such rights as may be vested in the country or state to rights of way for public roads.

NOTE: The bearings given in the above description are based on the North Carolina ~~State~~ 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 30 day of October, 1945.

By E.Y. WEBB
Judge

CX-583

THE UNITED STATES OF AMERICA

WESTERN DISTRICT OF NORTH CAROLINA

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 Minute Book 10, page 248, on the 31 day of October, 1945, on file and remaining of record in my office in the matter of the United States ex rel. Tennessee Valley Authority v. Board of Education of Swain County, et al, No. 473.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the said District Court, at Asheville, North Carolina, this 21 day of December, A.D., 1945.

Seal US Dist Court

J.Y. Jordan, Clerk

By Henrietta P. Gillespie
Deputy Clerk

STATE OF NORTH CAROLINA, SWAIN COUNTY

The foregoing certificate of J.Y. Jordan, Clerk, by Henrietta P. Gillespie, Deputy Clerk of the District Court of the United States for the Western District of North Carolina, duly authenticated by the official seal of the 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 7th day of January, 1946.

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

Filed for Registration at 9:00 o'clock, A.M. 7 January, 1946 and registered in the office of the Register of Deeds of Swain County, North Carolina, in Book 69, page 533, January 11, 1946.

H.K. Welch
Deputy Register of Deeds