

Carolina.

Witness my hand and seal this 12th day of October, A. D., 1944.

(SEAL AFFIXED)
My commission expires: Oct. 6, 1945

James Denman
Notary Public

STATE OF NORTH CAROLINA

COUNTY OF SWAIN

The foregoing certificates of Robert M. Vertrees, a Notary Public of Knox County, Tennessee; of E. Laurence Webster, a Notary Public of State of New Jersey; and of James Denman, a Notary Public of Clay County, North Carolina, attested by their official seals, are adjudged to be correct. Let the instrument, and the certificates be registered.

WITNESS my hand this 13 day of October, A. D., 1944.

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

Filed for Registration at 9:50 o'clock A. M. Oct. 13th 1944 and registered in the office of the Register of Deeds for Swain County, North Carolina, in Book 67 Page 285. October 14, 1944.

H. R. Welch
D. R. Welch, Deputy Register of Deeds.
Swain County, North Carolina.

FR-566
730
731
Vou. No. 45-26416

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.

GUY POSEY
JESSIE POSEY, 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
ISAAC B. CRISP, individually and
as legal guardian of James Crisp,
Samuel H. Crisp, and Donald Crisp,
minors
MARGIE SHOOK CRISP, his wife
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
EVELYN CRISP, a minor, his wife
SAMUEL H. CRISP, a minor
DONALD CRISP, a minor
ORVAL CRISP
CANDAS CRISP, his wife
LIZZIE PILKINGTON, Trustee
WILLIAM H. PILKINGTON

Respondents

No. 567
FILED Oct 2-1944
CLERK, U. S. DIST COURT

DECLARATION OF TAKING

Tennessee Valley Authority, the authority empowered by law to acquire in the name of the United States of America the property described in the petition of similar title filed in this Court, hereby files this declaration of taking pursuant to the provisions of an act of Congress approved February 26, 1931, 46 Stat. 1421, c. 307, 40 U.S.C.A. 258a, and declares that said property is hereby taken for the use of the United States of America acting by and through its

corporate creature and agent, the Tennessee Valley Authority, and further declares that:

1. The estate or interest taken in the said property for the said public use is the fee simple title, free of all liens, claims, and encumbrances, except as hereinafter shown.

2. The property taken is described as follows:

Tract FR-566

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 3/4 miles northwest of the mouth of Stecoah Creek, and more particularly described as follows:

Beginning at a point (previously described as an 18 inch post oak stump), a corner of the lands of the Nantahala Power & Light Company, J. W. Crane et ux, and the Nantahala Power & Light Company; thence with the said Company's line S. 62° 19' E., 675 feet to a point in the center line of State Highway No. 288; thence with the center line of the highway as it meanders in a southwesterly direction and subsequently in a northwesterly direction approximately 800 feet to a point; thence, leaving the highway, N. 10° 00' E., 200 feet to the point of beginning, and containing 2.9 acres, more or less, subject to such rights as may be vested in the county or state to State Highway No. 288 which affects approximately 0.6 acre 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-730

A tract of land lying in Forneys Creek Township in 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 an oak stump, a corner of the lands of the Crisp Heirs, A. J. Posey et ux, and A. J. Posey, and the most easterly point of the tract herein described; thence with A. J. Posey's and the W. H. Calhoun Heirs' line S. 16° 00' W., 898 feet to a point, a corner of the lands of the W. H. Calhoun Heirs, and the J. M. Crisp Heirs; thence with the J. M. Crisp Heirs' line S. 89° 00' W., 264 feet to a point; thence S. 35° 00' W., 520 feet to a stake on the west edge of State Highway No. 288, a corner of the lands of the J. M. Crisp Heirs, and Joseph Collins; thence with Joseph Collins' line S. 78° 00' W., 165 feet, passing a stake at 75 feet, to a point in the center line of State Highway No. 288, a corner of the lands of Joseph Collins, and the W. H. Clark Heirs; thence with the W. H. Clark Heirs' line S. 75° 00' W., 80 feet to a 12 inch birch tree at the top of a ridge; thence with the W. H. Clark Heirs', and Lee & Lilly Hering's line and the top of the ridge as it meanders approximately along the following bearings and distances:

N. 16° 00' E., 315 feet; N. 11° 00' W., 435 feet; N. 27° 00' E., 355 feet; N. 28° 00' E., 530 feet; N. 60° 00' E., 235 feet to a chestnut stump, a corner of the lands of Lee & Lilly Hering, and the Crisp Heirs; thence with the Crisp Heirs' line along the top of a ridge S. 72° 00' E., 320 feet to a black gum tree; thence, leaving the top of the ridge, S. 32° 00' E., 215 feet to the point of beginning, and containing 22.3 acres, more or less, subject to such rights as may be vested in the county or state to State Highway No. 288 which affects approximately 0.4 acre 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-731

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 1/4 miles northwest of the mouth of Stecoah Creek, and more particularly described as follows:

Beginning at a point in the center line of State Highway No. 288, a corner of the lands of the W. H. Clark Heirs, and the Nantahala Power & Light Company; thence with the Company's line and the center line of the highway as it meanders in a southerly and subsequently in a westerly direction approximately 3370 feet to a point; thence leaving the highway, S. 62° 19' E., 531 feet to a point (previously described as an iron pipe); thence N. 78° 34' E., 689 feet to a point (previously described as a stake); thence N. 4° 30' E., 331 feet to a point (previously described as a 15 inch

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post oak tree), a corner of the lands of the Nantahala Power & Light Company, Lee Herron et ux, and the W. H. Clark Heirs; thence with the W. H. Clark Heirs' line S. $84^{\circ} 23' E.$, 714 feet to the point of beginning, and containing 26.8 acres, more or less, subject to such rights as may be vested in the county or state to State Highway No. 288 which affects approximately 2.3 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 $79^{\circ} 00' W.$

3. One Thousand Seven Hundred Sixty-seven Dollars and One Cent (\$1,767.01) is the amount estimated by the Tennessee Valley Authority to be just compensation for the property taken. This amount is herewith tendered into Court for the use of the persons entitled thereto. This amount is allotted to the tracts as follows:

FR-566	\$ 52.00
FR-730	1,334.46
FR-731	<u>380.55</u>
Total	\$1,767.01

4. Tract plats showing the property taken are hereto attached.

5. The authority under which the property is taken is the Tennessee Valley Authority Act of 1933, 48 Stat. 58 as amended, 16 U.S.C.A. sec. 831; the public use for which the property is taken is for the purpose of carrying out the provisions of the Tennessee Valley Authority Act.

6. The Board of Directors of the Tennessee Valley Authority is of the opinion that the ultimate award probably will be within any limits prescribed by Congress on the price to be paid.

TENNESSEE VALLEY AUTHORITY

(s)
William C. Fitts, Jr.
General Counsel

(s)
H. James Hitching
Assistant General Counsel
Tennessee Valley Authority
Chattanooga, Tennessee

(s)
James H. Eldridge
As Attorneys for Petitioner

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 Declaration of Taking (except land map not attached) filed on the 2 day of October, 1944, and remaining of record in my office in the matter of United States of America ex rel. Tennessee Valley Authority v. Guy Posey et al., No. 567.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the said District Court, at Asheville, North Carolina, this 2 day of October, A. D. 1944.

J. Y. Jordan, Clerk

By Henrietta Price, Deputy Clerk

(SEAL AFFIXED)

STATE OF NORTH CAROLINA

SWAIN COUNTY

The foregoing certificate of J. Y. Jordan, Clerk, by Henrietta Price, 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 19th day of October, 1944.

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

Filed for Registration at 9:45 o'clock A. M. Oct. 19, 1944 and registered in the office of the Register of Deeds for Swain County, North Carolina, in Book 67, Page 288 October 19, 1944.

D. R. Welch
D. R. Welch, Deputy Register of Deeds
Swain County, North Carolina.