

WITNESS my hand this 29th day of September, A.D., 1945

H. J. Truett
Clerk Superior Court

Filed for Registration on the 29th day of September, 1945, at 10:20 o'clock, A.M. , and registered in the office of the Register of Deeds for Swain County, N.C., 2nd day of October, 1945 at 11:30 o'clock, A.M. in Book 69 of Deeds, and page 401, etc.

H R Welch
Deputy Register of Deeds

FR-698
Vou No. 45-12805

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

FILED
AUG 27 1945
CLERK U.S. DIST COURT
No. 551

v.
ANDREW B. SHULER) As trustees for any
ELLIS C. MONTIETH) orthodox protestant
G. SHERMAN WELCH) church; as trustees
) OF Bushnell Baptist
) Church; and as virtual
) representatives of
) any and all orthodox
) protestant
) churches

Respondents

FINAL DECREE

This cause came on to be finally heard upon the petition for condemnation; declaration of taking; answer of the respondents Andrew B. Shuler, Ellis M. Montieth, and G. Sherman Welch, as trustees; report of the Special Master; award of the Commissioners; and the entire record in this cause, from all of which it appears that:

1

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 purpose of the Tennessee Valley Authority Act, and the property herein condemned is necessary for such purposes.

11.

All the parties interested directly or indirectly in the land hereinafter described have been served with process personally, 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 the filing of the declaration of taking in this cause, the property herein condemned was held by Andrew B. Shuler, Ellis C. Montieth, and G. Sherman Welch, as trustees, under a deed recorded in Deed Book 44, page 107, in the office of the Register of Deeds for Swain County, North Carolina.

1V.

The petitioner, upon filing the declaration of taking in this cause, deposited the sum of Three Thousand Three Hundred Dollars (\$3,300) as its estimate of the value of the property herein condemned. The Commissioners awarded the sum of Three Thousand Three Hundred Dollars (\$3, 300) 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 report of the Special Master, to which no exceptions were filed, be and the same is fully and finally confirmed.

2. The report of the commissioners, to which no exceptions were filed, awarding the sum of Three Thousand Three Hundred Dollars (\$3,300) 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 August 14, 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-698

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 1/2 mile west of the Bushnell Depot, and more particularly described as follows:

Beginning at an iron pipe in a fence line, a corner of the land of Elizabeth Welch, and the land in dispute between the Nantahala Power & Light Company and the Swain County Board of Education; thence with the line of the said disputed land and the Nantahala Power & Light Company's line S. 66° 00' W., 38 feet, crossing a public road at 31 feet, to a point, a corner of the lands of the Nantahala Power & Light Company, and Elizabeth Welch; thence with Elizabeth Welch's line N. 17° 00' W., 150 feet, crossing a public road, to and iron pipe, a corner of the lands of Elizabeth Welch, and the A.I. Calhoun Heirs; thence with the A.I. Calhoun Heirs' line S. 70° 00' E., 50 feet to a point in a fence line, a corner of the lands of A.I. Calhoun Heirs, and Elizabeth Welch; thence with Elizabeth Welch's line and the fence line S. 17° 00' E., 118 feet to the point of beginning, and containing 0.2 acre, more or less, subject to such rights as may be vested in the county or state to rights of way for public roads, and 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 25 day of August, 1945.

E. Y. Webb
Judge

C45-1118

CX-583

THE UNITED STATES OF AMERICA)
) SS
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 122 on the 27 day of August, 1945, on file and remaining of record in my office in the matter of United States ex rel. Tennessee Valley Authority v. Andrew B. Shuler, et al., No. 551.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the said District Court at Asheville, North Carolina this 17 day of Sept., A.D. 1945.

(Seal Affixed)

J. Y. Hordon Clerk

By W.A. Lytle
Deputy Clerk

STATE OF NORTH CAROLINA,
SWAIN COUNTY

The foregoing certificate of J.Y. Jordan, Clerk, by W.A. Lytle, 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 27 day of September, 1945.

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

Filed for registration at 4:20 o'clock P.M. Sept. 27, 1945 and registered in the office of the Register of Deeds for Swain County, North Carolina, in Book 69, page 402, October 2, 1945.

H. R. Welch
Deputy Register of Deeds