

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 Docket Book 5, page 1, on the 3 day of May, 1946, an file and remaining of record in my office in the matter of United States ex rel. Tennessee Valley Authority v. Nora Wiggins et al., No. 499.

IN TESTIMONY WHEREOF, I Have hereunto set my hand and seal of the said District Court, at Asheville, North Carolina, this 3 day of May, A.D., 1946.

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

U.S. District Court Seal Affixed:

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 dca form, and according to law.

Let the instrument and the certificates be registered, this the 27 day of May, 1946.

H.J. Truett
Clerk Superior Court
Swain County, North Carolina
Filed for Registration at 9:15 o'clock A.M., May 27, 1946, and registered in the office of the Register of Deeds for Swain County, North Carolina, in book 71, page 73, June 13, 1946.

E. J. Truett
Register of Deeds

Tract No. FR-715
Vol. No. 46-47240

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

JESSE C. MILLSAPS
Lizzie W. Millsaps, his wife
WILL W. WIGGINS
Estelle R. Wiggins, his wife
WALTER B. WIGGINS
BERTIE G. WIGGINS, his wife
NINA M. SHARPE
KATHERINE W. SWAN
GERTRUDE W. DUCKETT
S. W. BLACK, Trustee
MRS. E. A. WOOD
GURLEY P. HOOD, Commissioner
of Banks
BRYSON CITY BANK, a banking
corporation Clerk
HENRY J. TRUETT, Superior
Court
E. B. Whitaker, Trustee
Respondents

No. 530

FILED
MAY 3, 1946
CLERK, U. S. DIST COURT

FINAL DECREE

This cause came on to be finally heard upon the petition for condemnation; declaration of taking; and wer of Jesse C. Millsaps and Lizzie W. Millsaps; decree pro confesso against all the other respondents; reports of the Special Master; award of the Commisinners; 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 here in 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 acceptance of service, 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 judgment.

III

At the time of the filing of the declaration of taking in this cause, the respondent Jesse C. Millsaps was the owner of the fee simple title to a large ^{portion} ~~boundary~~ of said land, and subsequent thereto he acquired the remainder of said land by a duly executed and delivered deed so that he held the fee simple title to the entire tract of land, subject to the inchoate right of dower of his wife. Lizzie W. Millsaps, wife of Jesse C. Millsaps, had an inchoate right of dower in and to said property.

The Swain County taxes for the year 1944 which constituted a lien against said property have been paid out of the funds on deposit in this cause and the lien discharged.

The judgment in the case of State v. J. C. Millsaps and Coil Sawyers dated July 21, 1941, recorded in Minute Docket 15, Page 179, in the amount of \$6.20, has been paid out of the funds on deposit in this cause and the lien discharged.

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

IV

The petitioner, upon filing the declaration of taking in this cause, deposited the sum of Three Thousand Four Hundred Dollars (\$3,400) as its estimate of the value of the property herein condemned. The Commissioners awarded the sum of Four Thousand One Hundred Thirty Dollars (\$4,130) as the true value of and as just compensation for said property. The additional sum of Seven Hundred Thirty Dollars (\$730), plus interest in the amount of Sixty-eight Dollars and Sixty-two Cents (\$68.62) has been deposited in the registry of this Court by petitioner, making a total deposit of Four Thousand One Hundred Ninety-eight Dollars and Sixty-two Cents (\$4,198.62) all of which funds have been disbursed by proper orders 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 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 divesture of title as evidenced by the declaration of taking filed in this cause on July 10, 1944, by virtue of which all rights, title, claim and interest of every kind, nature, and character in and to the following described property, to-wit:

Tract FR-715: 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 northwest of the downstream tip of Calhoun Island, and more particularly described as follows:

Beginning at a fallen pine tree at the top of a ridge, a corner of the lands of M. M. Rose and G. H. Holloway et ux, and the most northerly point of the tract herein-described; thence with the line claimed by G. H. Holloway as his south boundary line along the following bearings and distances:

S. 40° 30' E., 490 feet to a 6 inch black oak tree; S. 80° 30' E., 160 feet; N. 72° 00' E., 150 feet to a point at the top of a ridge; thence with the top of the ridge as it meanders approximately along the following bearings and distances; S. 84° 00' E., 905 feet; S. 41° 30' E., 145 feet to a point in the center line of a road, a corner of the lands in dispute between J. C. Millsaps and G. H. Holloway et ux, and between G. H. Holloway and H. H. Nelams, and the land of H. H. Nelams et ux; thence with H. H. Nelams' line and the center line of the road as it meanders approximately along the following bearings and distances:

S. 6° 00' W., 630 feet, S. 36° 00' W., 540 feet to a point at the top of a ridge, a corner of the lands of H. H. Nelams et ux., and W. O. Calhoun; thence with W. O. Calhoun's line and the top of the ridge as it meanders approximately along a bearing and distance of S 51° 00' W., 530 feet to a point, a corner of the lands of W. O. Calhoun, and the Nantahala Power & Light Company; thence, leaving the ridge and with the Company's line along the following bearings and distances:

N. 45° 02' W., 90 feet to a black oak stump and iron pipe; S. 75° 09' W., 624 feet to a point (previously described as an 8 inch spotted oak tree and iron pipe); S. 0° 34' E., 153 feet to a point (previously described as a 10 inch locust stump and iron pipe); S. 1° 38' E., 402 feet to a point (previously described as a 36 inch white oak tree and iron pipe); S. 68° 50' W., 187 feet to a point (previously described as a 36 inch pine tree and iron pipe); S. 60° 25' W., 270 feet to a point (Previously described as an iron pipe); S. 70° 47' W., 101 feet to a point (previously described as an 18 inch pine tree and iron pipe); S. 67° 39' W., 361 feet to a point (previously described as a 20 inch pine ~~stump~~ and iron pipe); S. 72° 44' W., 468 feet; N. 68° 29' W., 769 feet to a point in the center line of Whiteside Creek, a corner of the lands of the Nantahala Power & Light Company, and Hettie Gunter; thence with Hettie Gunter's line and the center line of the creek as it meanders upstream approximately 40 feet to a point; thence, leaving the creek, N. 44° 00' W., 113 feet, passing a poplar stump at 7 feet and a pine tree at 61 feet, to a point in the center line of State Highway No. 288, a corner of the lands of Hettie Gunter, and Z. B. Turpin; thence with Z. B. Turpin's line and the center line of the highway as it meanders in a northeasterly direction approximately 630 feet to a point; thence, leaving the highway. N. 78° 00' E., 45 feet to a point; thence N. 9° 00' W., 30 feet to a white oak stump; thence N. 6° 00' E., 480 feet to a 6 inch post oak tree at the top of a ridge; thence with Z. B. Turpin's, T. H. Hall's and M. M. Rose's line and the top of the ridge as it meanders approximately along the following bearings and distances:

N. 73° 00' W., 250 feet, N. 54° 00' W., 275 feet, N. 65° 00' E., 185 feet, N. 49° 00' E., 800 feet to a pine tree, N. 68° 00' E., 270 feet, N. 47° 00' E., 230 feet, N. 82° 00' E., 300 feet, N. 36° 00' E., 440 feet, N. 11° 00' W., 475 feet to the point of beginning, and containing 118. 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 subject to any outstanding mineral rights not owned by the respondents herein.

NOTE: The hearings 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 as 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 herein ^{above} 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 2 day of May, 1946.

E. Y. Webb,
Judge, United States District Court.

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 5, Page 141, on the 3 day of May, 1946, on file and remaining of record in my office in the matter of United States ex rel, Tennessee Valley Authority v. Jesse C. Millsaps, et al., No. 530.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the said District Court, at Asheville, North Carolina, this 3 day of May, A. D., 1946.

U.S. District Court Seal Affixed.

J. Y. Jordan, Clerk

By O. L. McLeod, 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 hereto affixed, is adjudged to be correct, in due form, and according to law. Let the instrument and the certificate be registered, this 27 day of May, 1946.

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