

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION

FILED
ASHEVILLE, N. C.

AUG 26 2005

U.S. DISTRICT COURT
W. DIST. OF N. C.

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

v.

Civil Action No. 2:05cv212

AN EASEMENT AND RIGHT-OF-WAY
OVER 2.91 ACRES OF LAND, MORE
OR LESS, IN CHEROKEE COUNTY,
NORTH CAROLINA

HIWASSEE RIVER PARTNERS, LLC,
ET AL.
Defendants

ORDER OF POSSESSION

Pursuant to the Declaration of Taking Act, 40 U.S.C. §§ 3114-3118
(2000 & Supp. II, 2002) (formerly codified as 40 U.S.C. §§ 258a-258e), which
authorizes the Court "to give the Government immediate possession of the
[condemned] property" (*United States v. Miller*, 317 U.S. 369, 381, 63 S.Ct. 276,
87 L.Ed. 336 (1943)), it is hereby Ordered that the Tennessee Valley Authority,
as agent of the United States of America, be put into immediate possession of the
property described in the Declaration of Taking filed in this action to the extent
necessary to permit the Tennessee Valley Authority to carry on any of its
operations described in the pleadings filed herein, and that the Defendants in

such action surrender possession of the said property to the Tennessee Valley

Authority accordingly.

This 25th day of August, 2005.


United States District Judge

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