

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. 2:05cv213

AN EASEMENT AND RIGHT-OF-WAY
OVER 0.14 ACRE OF LAND, MORE OR
LESS, AND ADDITIONAL RIGHTS
WITH RESPECT TO A PREEXISTING
EASEMENT AND RIGHT-OF-WAY
OVER LAND IN CHEROKEE
COUNTY, NORTH CAROLINA

JEFFREY C. McRAE, 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-1), 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

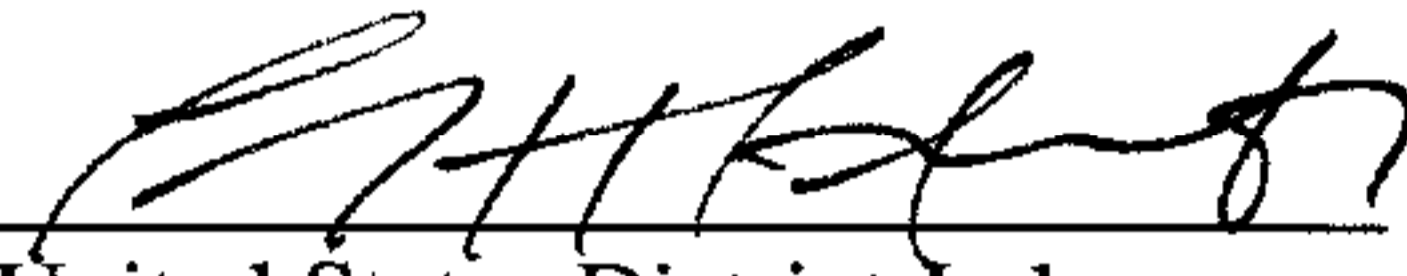
agent of the United States of America, be put into immediate possession of the

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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