

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. 2:05cv214

AN EASEMENT AND RIGHT-OF-WAY  
OVER 0.39 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

LYNDA L. ROSS, 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 25<sup>th</sup> day of August, 2005.

  
United States District Judge

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