

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

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

Plaintiff,)

v.)

No. 3:13-CV-520-TAV-HBG

TREE-REMOVAL RIGHTS WITH RESPECT)
TO LAND IN KNOX COUNTY, TENNESSEE, and)
TAMMY A. KEITH,)
CLAUDE E. KEITH, JR.,)
CITIFINANCIAL MORTGAGE COMPANY, INC.,)
TENNESSEE VALLEY TITLE)
INSURANCE COMPANY, trustee,)
BANK OF AMERICA, N.A.,)
WILSON & ASSOCIATES, PLLC, trustee,)
MORTGAGE ELECTRONIC)
REGISTRATION SYSTEM, INC., nominee,)

Defendants.)

JUDGMENT AND ORDER DISBURSING FUNDS

This action came on to be considered, and it appears to the Court, as evidenced by the disclaimers filed on behalf of Defendants CitiFinancial Mortgage Company [Doc. 24], Tennessee Valley Title Insurance Company [Doc. 25], Wilson & Associates, PLLC [Doc. 26], and Bank of America, N.A. [Doc. 27]; and by the non-response of Defendant Mortgage Electronic Services, Inc. (MERS), to Plaintiff’s Motion for Judgment and Order Disbursing Funds [Doc. 28]; and the signatures below of Tammy and Claude Keith (the property owners), that the remaining parties in interest have agreed to resolve this action on the terms set forth below.

It is, therefore, **ORDERED AND ADJUDGED** that:

1. The Keiths shall recover of the Plaintiff \$4,500 as full compensation for the taking of the tree-removal rights herein condemned.

2. Plaintiff has already deposited \$1,100 with the Clerk as its estimate of just and liberal compensation for the rights taken. [Docs. 2, 5.] Plaintiff is ordered to deposit an additional \$3,400 with the Clerk, for a total deposit of \$4,500.

3. Once Plaintiff has deposited the additional \$3,400, the Clerk of this Court is authorized and directed to (1) close out the money-market deposit account that was created pursuant to the Investment Order entered herein [Doc. 5], (2) deposit all sums received from the account into the registry of this Court, (3) draw a check on the funds on deposit in the registry of this Court in the principal amount of \$4,500 (plus all interest earned on the account less the Clerk's registry fee) payable to Tammy A. Keith and Claude E. Keith, Jr., and (4) mail said check to Tammy A. Keith, 7733 Rosie Lane, Strawberry Plains, Tennessee 37871.

4. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein on August 29, 2013 [Doc. 1-3], is hereby fully and finally confirmed with respect to the easement rights described below, said descriptions being the same as in Attachment 1 to the Declaration of Taking filed herein [Doc. 1-4]:

Tree-removal rights with respect to land located in the Eighth Civil District of Knox County, State of Tennessee, and described in a deed recorded at Instrument No. 200111060036156 in the office of the Register of Knox County, Tennessee, which description is incorporated herein by reference and made a part hereof. Said rights consisting of the perpetual right to remove, cut down, destroy, and/or otherwise dispose of any trees on said land which in falling could come within five feet of any transmission line structure or conductor (the structures and conductors being on and over adjacent land as hereinafter described), the Tennessee Valley Authority to

remain liable for any direct physical damage to said land and fences thereon resulting directly from operations by and on behalf of the Tennessee Valley Authority in the exercise of said rights.

TRACT NO. VEK-108-CR

The perpetual right to enter at any time and from time to time the northeastern portion of the land of Tammy A. Keith, et vir, and trim, top, cut, clear, and remove, destroy, or otherwise dispose of as necessary any trees, which in falling could come within 5 feet of any transmission line structure or conductor on the Volunteer-East Knox Transmission Line, as shown on sheet P3 of US-TVA drawing LW-8751, R.3, the said land lying southwest of and adjacent to the southwestern property line of Timothy J. Northcutt, et ux., the land affected by the clearing rights begins at a point 106.08 feet right of the centerline of the location at survey station 484+17.05, the said point being a point on the property line between Tammy A. Keith, et vir, and Timothy J. Northcutt, et ux., and extending in a southeasterly direction to a point on the said property line, the said point being 66.36 feet right of the centerline of the location at survey station 491+65.85, and located in the Eighth Civil District of Knox County, State of Tennessee.

The foregoing tree-removal rights are acquired except insofar as those rights or any part thereof are already owned by Plaintiff, which owns preexisting permanent easements and rights-of-way (Tracts WA-201 and WA-202), which may include a portion of said land by virtue of grants recorded in Deed Books 504 and 599, pages 29-31 and 297, respectively, in the office of the Register of Knox County, Tennessee.

5. The Clerk of this Court shall furnish to Plaintiff a certified copy of this Judgment which shall serve as a muniment of title.

IT IS SO ORDERED.

s/ Thomas A. Varlan

CHIEF UNITED STATES DISTRICT JUDGE

We hereby approve and consent to the entry of this Judgment:

s/Tricia L. Roelofs

Tricia L. Roelofs (TN BPR 029978)
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Knoxville, Tennessee 37902-1401
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Attorney for Plaintiff

s/Tammy A. Keith

(Original, notarized signature on file)

Tammy A. Keith
7733 Rosie Lane
Strawberry Plains, Tennessee 37871

s/Claude E. Keith, Jr.

(Original, notarized signature on file)

Claude E. Keith, Jr.
7733 Rosie Lane
Strawberry Plains, Tennessee 37871

Defendant-Landowners

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