

UNITED STATES OF AMERICA  
WESTERN DISTRICT OF SOUTH CAROLINA,  
IN THE DISTRICT COURT  
GREENVILLE DIVISION

CERTIFIED COPY

UNITED STATES DISTRICT COURT  
WEST DIST. OF SO. CAR.

FEB. 17, 1943

Filed

A.M. P. M.

W. D. White, Clerk.

UNITED STATES OF AMERICA, )  
Petitioner, )  
vs. )  
30.71 acres of land, more or )  
less, situate in Greenville )  
County, South Carolina, and )  
J. K. Earle, et al., )  
Defendants. )

JUDGMENT ON THE AMENDMENT TO  
DECLARATION OF TAKING NO. 1  
Civil Action No. 337.

This day comes the petitioner in the above-entitled cause, the United States of America, by Oscar H. Doyle, United States Attorney, and W. H. Arnold, Special Assistant, and move the Court to enter a Judgment on the Amendment to Declaration of Taking No. 1 filed in the above-entitled cause on February 17, 1943, and

It having been caused to appear that on June 11, 1942, the United States of America, petitioner herein, filed in the above-entitled cause its Petition in Condemnation seeking to condemn a perpetual easement over and across the lands described therein, and that a Judgment thereon was entered on June 12, 1942, wherein the petitioner was given immediate possession of said lands; that pursuant to instructions of the Attorney General and authority of the Secretary of War an Amended Petition was duly filed herein on August 14, 1942, seeking to condemn the fee simple interest in said lands, a Judgment thereon having been entered August 17, 1942, confirming possession of said lands in petitioner, and

It further appearing that on September 5, 1942, the United States of America, petitioner herein, duly filed in this cause its Amended Petition in Condemnation, and immediately thereafter the Secretary of War filed his Declaration of Taking No. 1 on certain of said tracts of land embraced in the above-entitled cause and duly deposited into the Registry of the Court the sum of Two Thousand Five Hundred Dollars (\$2,500) as the estimated compensation for said tracts of land therein described, and on the 7th day of September, 1942, this Court issued and entered in the above-entitled cause a Judgment on the Declaration of Taking No. 1, under the terms of which title to the tracts of land therein described was decreed to have become vested in the United States of America upon the filing of said Declaration of Taking No. 1 and making of said deposit, subject only to certain easements set forth therein, and

It further appearing that at the time of the filing of the said Amended Petition in Condemnation, Declaration of Taking No. 1, and Judgment on the Declaration of Taking No. 1, accurate surveys of said tracts were not available, it having been discovered that after the construction of said railroad spur there were certain variances in the acreage of the original surveys; that said tracts of land in accordance with the actual construction of said spur have been re-surveyed and surveys of the same have now become available and a tract map of each of said tracts of land have been received, and in consequence thereof the said Amendment to Declaration of Taking No. 1 has been issued and filed in this cause wherein is reflected a complete and accurate description of said tracts of land embraced in this proceeding, and

It further appearing from a more complete appraisal of each of said tracts of land that the estimated value thereof in the aggregate is the sum of Nine Thousand Four Hundred Twenty-five dollars (\$9,425.00), which is in excess of the sum of Two Thousand Five Hundred Dollars (\$2,500.00) previously deposited in this cause by the amount of Six Thousand Nine Hundred Twenty-five dollars (\$6,925.00) and that said sum of Six Thousand Nine Hundred Twenty-five Dollars (\$6,925.00) was deposited into the Registry of the Court simultaneously with the filing of said Amendment to Declaration of Taking No. 1 and that said total sum of Nine Thousand Four Hundred Twenty-five dollars (\$9,425.00) has been reallocated so as to reflect the estimated value of each of said individual tracts of land, as by reference to the said Amendment to Declaration of Taking No. 1 and the Schedule "A" annexed thereto and included as a part thereof, as filed herein, will more fully appear.

Upon consideration of the foregoing matters, the record herein, as above recited, the said Amendment to Declaration of Taking No. 1, and the statutes in such cases made and provided, and it appearing to the satisfaction of the Court;

(1) That the United States of America is entitled to acquire lands by eminent domain for the purposes set out and prayed in said Amended Petition.

(2) That an Amended Petition in Condemnation was filed at the request of the Secretary of War, the authority empowered by law to acquire the lands described in said Amended Petition, and also under authority of the Attorney General of the United States.

For Judgment on Verdict and Final Judgment in condemnation in connection with .59 Acres Grant Trp. See Deed Book 258, page 78.