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NOTICE OF PENDING ACTION

TO THE HONORABLE THOMAS A. SNOWDEN  
JUDGE OF PROBATE OF  
SHELBY COUNTY, ALABAMA

You are hereby notified that on the 23<sup>rd</sup> day of September, 1988,  
suit was filed by Alabama Power Company, a corporation, in the Probate Court of  
Shelby County, Alabama styled Alabama Power Company v. Raymond E. Hargrave, et  
al, Docket Number 22-254, and that the following are the names of all the  
parties to said suit:

Name of Plaintiff:

Alabama Power Company, a corporation

Name of Defendants:

Raymond E. Hargrave  
Carol E. Davis  
Albert Weber, Individually, and  
Albert Weber, as Attorney in Fact for  
Charlotte Washington Poe Hardwick and  
Meint J. Huesman  
Bettye R. Littleton  
Quaker Square Development Company, Inc., an Alabama Corporation  
Western Pocahontas Properties, Limited, a Delaware Corporation  
CSX Transportation, a Virginia Corporation  
The Travelers Insurance Company, a Connecticut Corporation

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In said suit the following described lands situated in Shelby County,  
Alabama, are involved, to-wit:

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Par. 1

A strip of land varying and 125 feet in width which lies within the West Half of the Southeast Quarter (W 1/2 of SE 1/4) and the Southeast Quarter of the Southeast Quarter (SE 1/4 of SE 1/4) of Section 14, also the Northwest Quarter of the Northwest Quarter (NW 1/4 of NW 1/4) of Section 24, all being in Township 20 South, Range 4 West, Shelby County, Alabama, such strip being more particularly described as follows:

To reach the point of beginning, commence at the Southwest corner of Section 14, Township 20 South, Range 4 West; thence run North along the West boundary line of such Section 14 a distance of 2789.9 feet to a point; thence turn an angle to the right of 86 degrees 48 minutes 08 seconds and run North 85 degrees 49 minutes East a distance of 205.3 feet to a point; thence turn an angle to the right of 31 degrees 40 minutes and run South 62 degrees 31 minutes East a distance of 2810 feet, more or less, to a point on the West boundary line of the property of the condemnees named in this paragraph, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip sought to be condemned lies 62.5 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs South 62 degrees 31 minutes East a distance of 40.0 feet to a point, such point being called Point A for reference hereinafter; thence continue to run South 62 degrees 31 minutes East a distance of 3017.0 feet to a point; therefrom, the strip is varying in width and is only so much of a strip of land 125 feet in width and lies 62.5 feet on each side of a center line and the continuations thereof which lies within the Northwest Quarter of the Northwest Quarter (NW 1/4 of NW 1/4) of said Section 24; thence continue to run South 62 degrees 31 minutes East a distance of 62 feet, more or less, to a point on the Southeasterly boundary line of the property of the condemnees named in this paragraph, such point being the point of ending of the right of way herein described and sought to be condemned. The plaintiff also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 15 feet outside of and in a Southeasterly direction from such ways and rights of way at Point A indicated above as may be necessary in the erection, construction or maintenance of said wires lines and appliances of plaintiff.

The said Raymond E. Hargrave, a widower, is the owner of the lands described above.

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Par. 2

Only so much of a strip of land 125 feet in width as lies within the Northeast Quarter of the Northeast Quarter (NE 1/4 of NE 1/4) of Section 23, Township 20 South, Range 4 West, Shelby County, Alabama, said 125-foot-wide strip of land being more particularly described as follows:

To reach the point of beginning, commence at the Southwest corner of Section 14, Township 20 South, Range 4 West; thence run North along the West boundary line of such Section 14 a distance of 2789.9 feet to a point; thence turn an angle to the right of 86 degrees 48 minutes 08 seconds and run North 85 degrees 49 minutes East a distance of 205.3 feet to a point; thence turn an angle to the right of 31 degrees 40 minutes and run South 62 degrees 31 minutes East a distance of 5744 feet to a point near the North boundary line of the property of the condemnees named in this paragraph, such point being the point of beginning of said 125-foot-wide strip of land and that portion thereof which is herein described and sought to be condemned; therefrom, said 125-foot-wide strip of land lies 62.5 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs South 62 degrees 31 minutes East a distance of 155 feet to a point near the East boundary line of the property of the condemnees named in this paragraph, such point being the point of ending of said 125-foot-wide strip of land and that portion thereof which is herein described and sought to be condemned.

The said Carol E. Davis, a single woman; Albert Weber, Individually, and Albert Weber, as Attorney in Fact for Charlotte Washington Poe Hardwick and Meint J. Huesman, Mortgagees, are the owners of the lands described above.

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Par. 4

A strip of land 125 feet in width which lies within the Northeast Quarter of the Northwest Quarter (NE 1/4 of NW 1/4) of Section 24, Township 20 South, Range 4 West, Shelby County, Alabama, such strip being more particularly described as follows:

To reach the point of beginning, commence at the Northeast corner of Section 24, Township 20 South, Range 4 West; thence run South along the East boundary line of such Section 24 a distance of 992.0 feet to a point; thence turn an angle to the right of 59 degrees 34 minutes and run South 59 degrees 48 minutes West a distance of 2040.0 feet to a point; thence turn an angle to the right of 57 degrees 41 minutes and run North 62 degrees 31 minutes West a distance of 1323 feet, more or less, to a point on the South boundary line of the property of the condemnees named in this paragraph, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip sought to be condemned lies 62.5 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs North 62 degrees 31 minutes West a distance of 1200 feet, more or less, to a point on the West boundary line of the property of the condemnees named in this paragraph, such point being the point of ending of the right of way herein described and sought to be condemned.

The said Bettye R. Littleton, a single woman, is the owner of the lands described above.

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Par. 7

A strip of land 125 feet in width which lies within the Southeast Quarter of the Southwest Quarter (SE 1/4 of SW 1/4) and the Southwest Quarter of the Southeast Quarter (SW 1/4 of SE 1/4) of Section 18, Township 20 South, Range 3 West, Shelby County, Alabama, such strip being more particularly described as follows:

To reach the point of beginning, commence at the Northwest corner of Section 19, Township 20 South, Range 3 West; thence run South along the West boundary line of such Section 19 a distance of 992.0 feet to a point; thence turn an angle to the left of 120 degrees 26 minutes and run North 59 degrees 48 minutes East a distance of 1980 feet, more or less, to a point on the South boundary line of the property of the condemnees named in this paragraph, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip sought to be condemned lies 62.5 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs North 59 degrees 48 minutes East a distance of 2589 feet, more or less, to a point on the East boundary line of the property of the condemnees named in this paragraph, such point being the point of ending of the right of way herein described and sought to be condemned.

The said Western Pocahontas Properties, Limited, a Delaware Corporation; CSX Transportation, a Virginia Corporation; and The Travelers Insurance Company, a Connecticut Corporation, as Mortgagee, are the owners of the lands described above.

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Par 10.

A strip of land 125 feet in width which lies within the Northeast Quarter of the Southeast Quarter (NE 1/4 of SE 1/4) of Section 18, Township 20 South, Range 3 West, Shelby County, Alabama, such strip being more particularly described as follows:

To reach the point of beginning, commence at the Southeast corner of Section 18, Township 20 South, Range 3 West; thence run North along the East boundary line of such Section 18 a distance of 2060.45 feet to a point on the East boundary line of the property of the condemnees named in this paragraph, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip sought to be condemned lies 62.5 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the left of 120 degrees 10 minutes and runs South 59 degrees 48 minutes West a distance of 862.10 feet to a point, such point being called Point A for reference hereinafter; thence continue to run South 59 degrees 48 minutes West a distance of 598 feet, more or less, to a point on the South boundary line of the property of the condemnees named in this paragraph, such point being the point of ending of the right of way herein described and sought to be condemned. The plaintiff also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 6 feet outside of and in a Northeasterly direction from such ways and rights of way at Point A indicated above as may be necessary in the erection, construction or maintenance of said wire lines and appliances of plaintiff.

The said Western Pocahontas Properties, Limited, a Delaware Corporation; CSX Transportation, a Virginia Corporation; and The Travelers Insurance Company, a Connecticut Corporation, as Mortgagee, are the owners of the lands described above.

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Par. 11

A strip of land 125 feet in width which lies within the Northwest Quarter of the Southwest Quarter (NW 1/4 of SW 1/4) of Section 17, Township 20 South, Range 3 West, Shelby County, Alabama, such strip being more particularly described as follows:

To reach the point of beginning, commence at the Southwest corner of Section 17, Township 20 South, Range 3 West; thence run North along the West boundary line of such Section 17 a distance of 2060.45 feet to a point on the West boundary line of the property of the condemnees named in this paragraph, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip sought to be condemned lies 62.5 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 59 degrees 50 minutes and runs North 59 degrees 48 minutes East a distance of 1128 feet, more or less, to a point on the North boundary line of the property of the condemnees named in this paragraph, such point being the point of ending of the right of way herein described and sought to be condemned.

The said Quaker Square Development Company, Inc., an Alabama Corporation, is the owner of the lands described above.

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Par. 12

A strip of land 125 feet in width which lies within the North Half of the Northeast Quarter (N 1/2 of NE 1/4), the Southwest Quarter of the Northeast Quarter (SW 1/4 of NE 1/4) and the South Half of the Northwest Quarter (S 1/2 of NW 1/4) of Section 17, Township 20 South, Range 3 West, Shelby County, Alabama, such strip being more particularly described as follows:

To reach the point of beginning, commence at the Northeast corner of Section 17, Township 20 South, Range 3 West; thence run South along the East boundary line of such Section 17 a distance of 750.85 feet to a point on the East boundary line of the property of the condemnees named in this paragraph, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip sought to be condemned lies 62.5 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 77 degrees 15 minutes and runs South 77 degrees 33 minutes West a distance of 1958.6 feet to a point; thence such center line turns an angle to the left of 17 degrees 45 minutes and runs South 59 degrees 48 minutes West a distance of 2762 feet, more or less, to a point on the South boundary line of the property of the condemnees named in this paragraph, such point being the point of ending of the right of way herein described and sought to be condemned.

The said Western Pocahontas Properties, Limited, a Delaware Corporation; CSX Transportation, a Virginia Corporation; and The Travelers Insurance Company, a Connecticut Corporation, as Mortgagee, are the owners of the lands described above.

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Par. 14

A strip of land 125 feet in width which lies within the East Half of the Northeast Quarter (E 1/2 of NE 1/4), the North Half of the Southeast Quarter (N 1/2 of SE 1/4), the Southwest Quarter of the Southeast Quarter (SW 1/4 of SE 1/4) and the Southeast Quarter of the Southwest Quarter (SE 1/4 of SW 1/4 of Section 9, Township 20 South, Range 3 West, Shelby County, Alabama, such strip being more particularly described as follows:

To reach the point of beginning, commence at the Northeast corner of Section 9, Township 20 South, Range 3 West; thence run South along the East boundary line of Section 9 a distance of 1267.17 feet to a point on the East boundary line of the property of condemnees named in this paragraph, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip sought to be condemned lies 62.5 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 33 degrees 45 minutes and runs South 33 degrees 51 minutes West a distance of 4813 feet, more or less, to a point on the South boundary line of the property of the condemnees named in this paragraph, such point being the point of ending of the right of way herein described and sought to be condemned.

The said Western Pocahontas Properties, Limited, a Delaware Corporation; CSX Transportation, a Virginia Corporation; and The Travelers Insurance Company, a Connecticut Corporation, as Mortgagee, are the owners of the lands described above.

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Par. 16

A strip of land 125 feet in width which lies within the Northeast Quarter of the Southwest Quarter (NE 1/4 of SW 1/4) of Section 3, Township 20 South, Range 3 West, Shelby County, Alabama, such strip being more particularly described as follows:

To reach the point of beginning, commence at the Southwest corner of Section 3, Township 20 South, Range 3 West; thence run East along the South boundary line of such Section 3 a distance of 835.33 feet to a point; thence turn an angle to the left of 57 degrees 26 minutes and run North 33 degrees 51 minutes East a distance of 1567 feet, more or less, to a point on the South boundary line of the property of the condemnees named in this paragraph, such point being the point of beginning of the right of way herein described; therefrom, the strip lies 62.5 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs North 33 degrees 51 minutes East a distance of 1567 feet, more or less, to a point on the North boundary line of the property of the condemnees named in this paragraph, such point being the point of ending of the right of way herein described and sought to be condemned.

The said Western Pocahontas Properties, Limited, a Delaware Corporation; CSX Transportation, a Virginia Corporation; and The Travelers Insurance Company, a Connecticut Corporation, as Mortgagee, are the owners of the lands described above.

The kind of suit brought as above stated is to condemn and acquire easements, interests, ways and rights-of-way in connection with the erection, construction and maintenance of towers, poles, wire lines, guy wires, anchors and other appliances for the transmission, distribution, supply and sale to the public of electric power.

IN WITNESS WHEREOF, the said Alabama Power Company, a corporation, has caused this notice to be executed on this the 7th day of September, 19 88.

ALABAMA POWER COMPANY

BY *John Harbuck*  
Its Attorney

OF COUNSEL:

BALCH & BINGHAM

John Harbuck  
P. O. Box 306  
Birmingham, AL 35201  
205/251-8100

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RECORDING FEES

|               |             |
|---------------|-------------|
| Recording Fee | \$2750      |
| Index Fee     | 1100        |
| TOTAL         | <u>3850</u> |