

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

20080619000250230 1/7 \$29.00
Shelby Cnty Judge of Probate, AL
06/19/2008 11:33:47AM FILED/CERT

ALABAMA POWER COMPANY,
a corporation,

Plaintiff,

V.

CHARLES S. GIVIANPOUR, THE
BANKER'S BANK AND FRONTIER
BANK, et al.,

Defendants.

CASE NO.: PR-2007-000429

ORDER ON FILING REPORT OF COMMISSIONERS

On October 30, 2007, came Jim Strickland, Jeff Murphy and Eddy Jowers, commissioners heretofore appointed by the court to assess the damages and compensation to which the respondents and defendants, the owners of said lands described in said report, are entitled for the taking and use of said lands for the purposes stated in the complaint for condemnation, and the said commissioners have filed their report in writing. The said commissioners also filed with their report a written certificate that none of them has ever been consulted, advised with or approached by any person with reference to the value of the lands or the proceedings to condemn the same prior to their appointment, and that they knew nothing of the same before their appointment; and it further appears to the court from said report, that the said commissioners have awarded to the said respondents or defendants, for taking of said lands, the sum of One Hundred Fifty Five Thousand Eight Hundred Twenty Five Dollars and 00/100 (\$155,825.00).

It is therefore ORDERED that the said report be filed and recorded and the property as described in Plaintiff's complaint for condemnation be condemned upon payment or deposit into court of the aforesaid amount. Provided further that any party may appeal from this Order to the Circuit Court of Shelby County, Alabama, with thirty (30) days hereof.

DONE and ORDERED this the 31 day of Oct., 2007.


Ron Jackson
Specially Assigned Judge of Probate

cc: Frank C. Ellis, Esq.
Matthew F. Carroll, Esq.
Don Armstrong
Charles S. Givianpour
Charles R. Johanson, III, Esq.

ENTERED AND FILED

Shelby County, Alabama
Probate Court
Shelby County, Alabama

ALABAMA POWER COMPANY,
a corporation,

Plaintiff,

v.

CHARLES S. GIVIANPOUR, ET AL,

Defendants.

IN THE PROBATE COURT OF

SHELBY COUNTY, ALABAMA

CASE NO.: _____

RECEIVED

AUG - 8 2007

Patricia Yeager Fuhrmeister
Judge of Probate

COMPLAINT FOR CONDEMNATION

Comes Alabama Power Company, a corporation, and files this its complaint against the defendants listed below, for an order of condemnation of the lands, rights, and interests therein, hereinafter described, and shows unto the Court as follows:

ARTICLE FIRST: That the plaintiff, Alabama Power Company, is a corporation organized and existing under the laws of the State of Alabama, with its principal place of business in Jefferson County, Alabama.

That the following persons against whom this complaint is filed are over the age of nineteen (19), are of sound mind and are residents of the State of Alabama:

<u>NAME</u>	<u>ADDRESS</u>	<u>INTEREST</u>
Charles S. Givianpour	4018 St. Charles Drive Birmingham, AL 35242	Owner
Don Armstrong, Tax Collector	Shelby County Courthouse 102 Depot Street P. O. Box 1298 Columbiana, AL 35051	Tax Lien

That the said defendants are the owners of, or the owners of an interest in, the land hereinafter described and as herein set out.

ARTICLE SECOND: Plaintiff is a public electric utility company having the right by its charter to manufacture, supply and sell to the public, electric energy produced either by steam or by water as a motive force, or by both, for lighting, heating, power and other purposes, which said electric energy it proposes to manufacture, supply and sell as herein stated, and the

rights, ways and rights-of-way herein described are sought to be condemned for its transmission lines for that purpose. Plaintiff has the right to condemn pursuant to sections 10-4-320, 10-5-1, 10-5-4 and 37-4-130 of the 1975 Code of Alabama, as amended.

ARTICLE THIRD: That the uses and purposes for which the said land, rights and interests hereinafter described are to be condemned and taken are in connection with the construction, operation and maintenance of towers, poles and wire lines, for the transmission, distribution, supply, and sale of electric power; and plaintiff therefore seeks to acquire ways and rights-of-way 100 feet in width on, across, under and over the land hereinafter described in Parcel 2 of Article Fourth hereof, and the right to construct and erect on, across, under and over said land such towers, poles and wire lines, and all appliances necessary, convenient and useful in connection therewith for such purposes, together with all the rights conferred by law and all that are necessary, useful and convenient to the enjoyment of said rights, ways and rights-of-way for such uses and purposes, and to acquire all timber and other growth on said ways and rights-of-way sought to be condemned, and the right and authority to clear and remove said timber and other growth from said ways and rights-of-way, and to acquire such timber outside of said rights-of-way which in falling would come within five (5) feet of the electrical conductors of plaintiff located on said rights-of-way Plaintiff seeks the further right and authority to place guy wires and anchors outside of said ways and rights-of-way hereinafter described in Parcel 2 of Article Fourth.

ARTICLE FOURTH: That the said rights, ways, rights-of-way and other interests sought to be condemned for such uses and purposes are on, across, over, under and adjacent to strips of land described hereinafter, according to the final location survey of the said ways and rights-of-way heretofore made by the plaintiff, the said strips of land and the lands of which the same are a part being situated in Shelby County, Alabama, and described as follows:



Parcel #2

7/5/2007

Two strips of land 100 feet in width and guy wire and anchor rights which lie within the West Half of the Southeast Quarter ($W\frac{1}{2}$ of $SE\frac{1}{4}$) of Section 24; and the South Half of the Northwest Quarter ($S\frac{1}{2}$ of $NW\frac{1}{4}$), the West Half of the Southwest Quarter ($W\frac{1}{2}$ of $SW\frac{1}{4}$), and the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 25, all being in Township 20 South, Range 02 West, Shelby County, Alabama, such strips being more particularly described as follows:

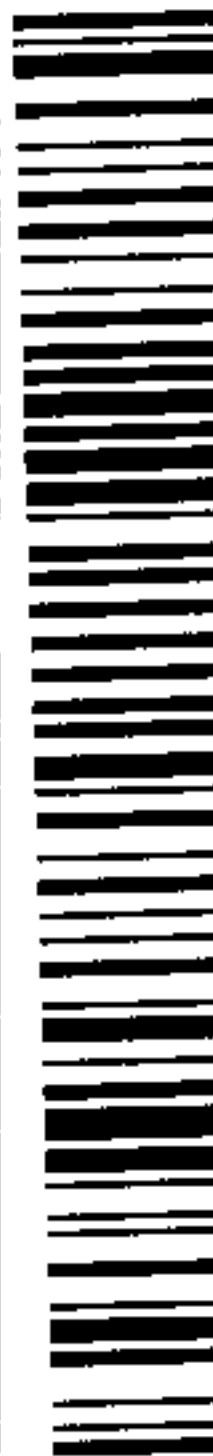
To reach the point of beginning of the first strip, commence at the Northeast Corner of Section 25, Township 20 South, Range 02 West; thence run West along the North boundary line of said section a distance of 2184.22 feet to a point; thence turn a deflection angle to the left of $62^{\circ}10'53''$ and run $S29^{\circ}33'51''W$ a distance of 328.84 feet to a point, thence turn a deflection angle to the left of $02^{\circ}05'01''$ and run $S27^{\circ}28'50''W$ a distance of 1205.94 feet to a point, such point being the point of beginning of the first strip of right-of-way herein described and sought to be condemned; therefrom, the strip sought to be condemned is 100 feet in width and lies 50 feet each side of a centerline and the continuations thereof which begins at such point of beginning and continues $S27^{\circ}28'50''W$ a distance of 64.48 feet to a point, such point being called Point A for reference hereinafter; thence turn a deflection angle to the right of $15^{\circ}18'30''$ and run $S42^{\circ}47'20''W$ a distance of 3482 feet, more or less, to a point, such point being the west property line of the condemnee named in this paragraph; such point also being the point of ending of the first strip of right-of-way herein described and sought to be condemned.

To reach the point of beginning of the second strip, commence at the Southeast Corner of Section 24, Township 20 South, Range 02 West; thence run West along the South boundary line of said section a distance of 2184.22 feet to a point; thence turn a deflection angle to the right of $117^{\circ}49'07''$, such point being the point of beginning of the second strip of right-of-way herein described and sought to be condemned; therefrom, the strip sought to be condemned is 100 feet in width and lies 50 feet each side of a centerline and the continuations thereof which begins at such point of beginning and runs $N29^{\circ}33'51''E$ a distance of 1762 feet, more or less, to a point, such point being the east property line of the condemnee named in this paragraph; such point also being the point of ending of the second strip of right-of-way herein described and sought to be condemned.

The Plaintiff also seeks the right and authority to place guy wires and anchors for a distance not to exceed 50 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 wire lines and appliances of Plaintiff.

The said Charles S. Givianpour, a married man, and Don Armstrong, as Tax Collector, are the owners of the land described above.

Parcel 2:
Charles Givianpour



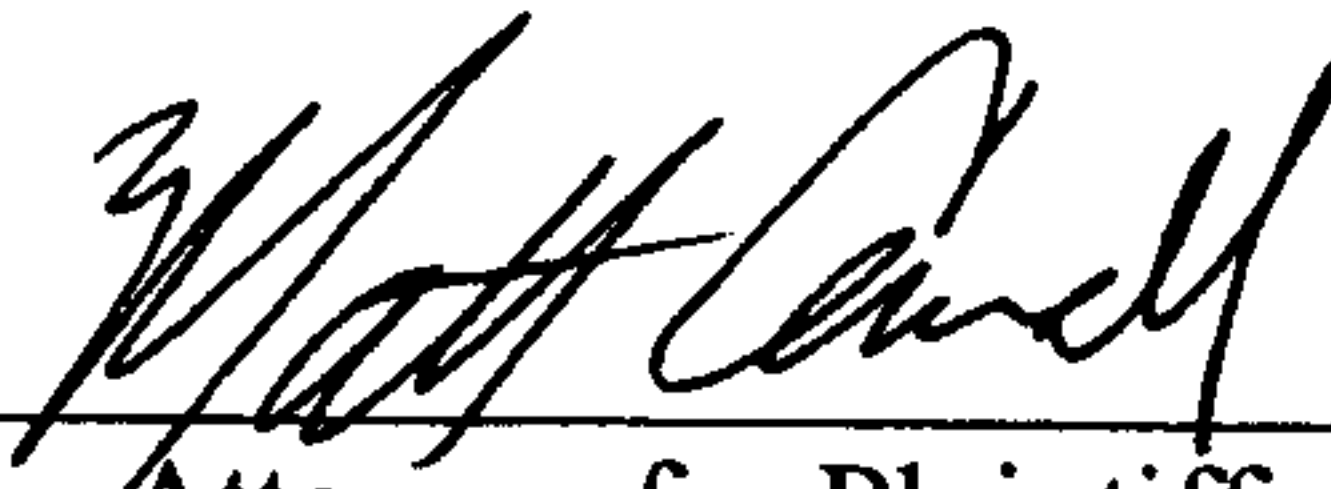
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Exhibit A

WHEREFORE, PREMISES CONSIDERED, plaintiff prays that this Court will make and enter an order appointing a day for the hearing of this complaint; that a copy of the complaint and notice of hearing date be served upon the defendants; and that upon such hearing, an order will be made by this Court condemning to the uses and purposes of this plaintiff, all the rights, authority and power sought and described herein, and for such other and further orders as may be authorized by law.

ALABAMA POWER COMPANY

By 
Attorney for Plaintiff,
Alabama Power Company

OF COUNSEL:

WALLACE, ELLIS, FOWLER & HEAD

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BALCH & BINGHAM LLP

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STATE OF ALABAMA)

JEFFERSON COUNTY)

Before me, the undersigned authority, personally appeared, Matthew F. Carroll, who, being by me first duly sworn, deposes and says that he is one of the attorneys for the plaintiff, Alabama Power Company, and has the authority to make this affidavit and to institute and prosecute the foregoing Complaint for the condemnation of the lands, rights and interests therein described, and that the statements contained in the foregoing complaint are true and correct as therein alleged or upon information and belief as therein alleged.

Matthew F. Carroll

Sworn to and subscribed before me this 6th day of August, 2007.

Rebecca L. Robinson
Notary Public

My Commission Expires: 11/23/08