

1170
LIS PENDENS NOTICE

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

20, 19 85 You are hereby notified that on the 18th day of September, suit was filed to condemn the easements, interests, ways and rights of way therein described, such suit being filed Alabama Power Company, a corporation, in the Probate Court of Shelby County, Alabama, and that the following are the names of all the parties to said suit:

Name of Applicant:

Alabama Power Company,
a corporation

Name of Defendants:

Samuel Porter Howell
Betty J. Howell
Charles L. Denaburg
Miriam H. Denaburg
James Crane
Jeanette Crane
Robert E. Evans
Alice Evans
Roy Lockhart
Vivian Lockhart
Lester M. Atkisson
Annie Atkisson
Claud F. Fulmer
Viola Fulmer
William J. Bailey
Lucille M. Bailey
James E. Majerik
Mary Ann Majerik
Allen B. Frederick
Lola Ann Frederick
Faith Presbyterian Church, Inc.,
a Nonprofit Corporation
First Christian Church of Birmingham
Inc., a Nonprofit Corporation
Daniel Realty Corporation, an
an Alabama Corporation
Nelson Brothers, Inc., an Alabama
Corporation

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

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Par. 2

The applicant seeks the right and authority to place such guy wires and anchors at the locations as indicated by Points B and C hereafter as may be necessary in the erection, construction or maintenance of said wire lines and appliances of the applicant. Such guy wires and anchors not to exceed 45 feet in an Easterly direction from Point B indicated hereinafter; also, such guy wires and anchors not to exceed 40 feet in an Easterly direction from Point C indicated hereinafter.

To reach Points B and C, commence at the Northeast corner of Section 22, Township 19 South, Range 2 West; thence run West along the North boundary line of said Section 22 a distance of 977.8 feet to a point; thence turn an angle to the left of 102 degrees 18 minutes and run South 11 degrees 13 minutes East a distance of 3.9 feet to a point; such point being called Point A for reference hereinafter; thence turn an angle to the left and run Easterly a distance of 73 feet, more or less, to an Existing Pole on the Easterly right of way line of Shelby County Highway #29, such point also being called Point B, thence return to Point A indicated above and run North 11 degrees 13 minutes West a distance of 226.5 feet to a point, thence turn an angle to the right and run Easterly on Bisector of Angle a distance of 75 feet, more or less, to a point on the Easterly right of way line of Shelby County Highway #29, such point being called Point C.

The said Samuel Porter Howell and wife, Betty J. Howell; Charles L. Denaburg and wife Miriam H. Denaburg are the owners of the lands described above.

Par. 3

Only so much of a strip of land that is 30 feet in width and lies within Lot 1, Windwood Circle Subdivision and is recorded in Map Book 6, Page 154, in the Office of the Judge of Probate, Shelby County, Alabama.

Such strip of land lies within the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section 15, Township 19 South, Range 2 West and is more particularly described as follows: Commence at the Southeast corner of Section 15, Township 19 South, Range 2 West; thence run West along the South boundary line of such Section 15 a distance of 977.8 feet to a point; thence turn an angle to the right of 77 degrees 42 minutes and run North 11 degrees 13 minutes West a distance of 222.6 feet to a point; thence turn an angle to the left of 09 degrees 01 minute and run North 20 degrees 14 minutes West a distance of 205.4 feet to a point; thence turn an angle to the left of 09 degrees 25 minutes and run North 29 degrees 39 minutes West a distance of 207.8 feet to a point; thence turn an angle to the right of 11 degrees 59 minutes and run North 17 degrees 40 minutes West a distance of 233.6 feet to a point; thence turn an angle to the left of 18 degrees 27 minutes and run North 36 degrees 07 minutes West a distance of 920.5 feet to a point; thence turn an angle to the right of 04 degrees 18 minute and run North 31 degrees 49 minutes West a distance of 517.8 feet to a point; thence turn an angle to the left of 05 degrees 47 minutes and run North 37 degrees 36 minutes West a distance of 248 feet to a point, 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 15 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs North 37 degrees 36 minutes West a distance of 501 feet to a point, such point being the point of ending of the right of way herein described and sought to be condemned.

The said James Crane and wife, Jeanette Crane are the owners of the lands described above.

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Par. 4

Only so much of a strip of land that is 30 feet in width and lies within Lot 2, Windwood Circle Subdivision and is recorded in Map Book 6, Page 154, in the Office of the Judge of Probate, Shelby County, Alabama.

Such strip of land lies within the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$) and the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section 15, Township 19 South, Range 2 West and is more particularly described as follows:

Commence at the Southeast corner of Section 15, Township 19 South, Range 2 West; thence run West along the South boundary line of such Section 15 a distance of 977.8 feet to a point; thence turn an angle to the right of 77 degrees 42 minutes and run North 11 degrees 13 minutes West a distance of 222.6 feet to a point; thence turn an angle to the left of 09 degrees 01 minute and run North 20 degrees 14 minutes West a distance of 205.4 feet to a point; thence turn an angle to the left of 09 degrees 25 minutes and run North 29 degrees 39 minutes West a distance of 207.8 feet to a point; thence turn an angle to the right of 11 degrees 59 minutes and run North 17 degrees 40 minutes West a distance of 233.6 feet to a point; thence turn an angle to the left of 18 degrees 27 minutes and run North 36 degrees 07 minutes West a distance of 920.5 feet to a point; thence turn an angle to the right of 04 degrees 18 minutes and run North 31 degrees 49 minutes West a distance of 517.8 feet to a point; thence turn an angle to the left of 05 degrees 47 minutes and run North 37 degrees 36 minutes West a distance of 749 feet to a point, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip lies 15 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs North 37 degrees 36 minutes West a distance of 129 feet to a point, such point being the point of ending of the right of way herein described and sought to be condemned.

The said Robert E. Evans and wife, Alice Evans are the owners of the lands described above.

Par. 5

A strip of land varying in width which lies within the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}$ of $NW\frac{1}{4}$) and the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 15, Township 19 South, Range 2 West, Shelby County, Alabama, such strip being more particularly described as follows:

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To reach the point of beginning, commence at the Southeast corner of Section 15, Township 19 South, Range 2 West; thence run West along the South boundary line of such Section 15 a distance of 977.8 feet to a point; thence turn an angle to the right of 77 degrees 42 minutes and run North 11 degrees 13 minutes West a distance of 222.6 feet to a point; thence turn an angle to the left of 09 degrees 01 minute and run North 20 degrees 14 minutes West a distance of 205.4 feet to a point; thence turn an angle to the left of 09 degrees 25 minutes and run North 29 degrees 39 minutes West a distance of 207.8 feet to a point; thence turn an angle to the right of 11 degrees 59 minutes and run North 17 degrees 40 minutes West a distance of 233.6 feet to a point; thence turn an angle to the left of 18 degrees 27 minutes and run North 36 degrees 07 minutes West a distance of 920.5 feet to a point; thence turn an angle to the right of 04 degrees 18 minutes and run North 31 degrees 49 minutes West a distance of 517.8 feet to a point; thence turn an angle to the left of 05 degrees 47 minutes and run North 37 degrees 36 minutes West a distance of 878 feet to a point, 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 15 feet Northeast and extends Southwesterly to the right of way line of County Road #29 (Caldwell Mill Road) on the Southwest side of a survey line and its continuations thereof which begins at such point of beginning and runs North 37 degrees 36 minutes West a distance of 236 feet to a point, such point being the point of ending of the right of way herein described and sought to be condemned.

The said Roy Lockhart and wife, Vivian Lockhart are the owners of the lands described above.

Par. 6

A strip of land 30 feet in width which lies within the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section 15, Township 19 South, Range 2 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 10, Township 19 South, Range 2 West; thence run North along the East boundary line of such Section 10 a distance of 162.8 feet to a point; thence turn an angle to the left of 133 degrees 41 minutes and run South 46 degrees 10 minutes West a distance of 839.5 feet to a point; thence turn an angle to the left of 16 degrees 53 minutes and run South 29 degrees 17 minutes West a distance of 252.6 feet to a point; thence turn an angle to the right of 18 degrees 19 minutes and run South 47 degrees 36 minutes West a distance of 272.3 feet to a point; thence turn an angle to the right of 03 degrees 28 minutes and run South 51 degrees 04 minutes West a distance of 191.8 feet to a point; thence turn an angle to the right of 07 degrees 57 minutes and run South 59 degrees 01 minute West a distance of 212.8 feet to a point; thence turn an angle to the right of 01 degree 57 minutes and run South 60 degrees 58 minutes West a distance of 199.6 feet to a point; thence turn an angle to the right of 13 degrees 40 minutes and run South 74 degrees 38 minutes West a distance of 271.1 feet to a point; thence turn an angle to the right of 05 degrees 03 minutes and run South 79 degrees 41 minutes West a distance of 277.0 feet to a point; thence turn an angle to the right of 35 degrees 24 minutes and run North 64 degrees 55 minutes West a distance of 205.8 feet to a point; thence turn an angle to the left of 10 degrees 39 minutes and run North 75 degrees 34 minutes West a distance of 308.3 feet to a point; thence turn an angle to the left of 88 degrees 49 minutes and run South 15 degrees 37 minutes West a distance of 205.9 feet to a point; thence turn an angle to the right of 10 degrees 32 minutes and run South 26 degrees 09 minutes West a distance of 224.8 feet to a point; thence turn an angle to the right of 30 degrees 39 minutes and run South 56 degrees 48 minutes West a distance of 185 feet, more or less, to a point on the North boundary line 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 15 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs South 56 degrees 48 minutes West a distance of 553 feet to a point; thence such center line turns an angle to the left of 94 degrees 03 minutes and runs South 37 degrees 15 minutes East a distance of 27 feet, more or less, to a point on the Southwesterly boundary line 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 Lester M. Atkisson and wife, Annie Atkisson are the owners of the lands described above.

Par. 6A

The applicant seeks the right and authority to place such guy wires and anchors at the location as indicated by Point A hereafter as may be necessary in the erection, construction or maintenance of said wire lines and appliances of the applicant. Such guy wires and anchors not to exceed 55 feet in a Westerly direction from Point A indicated hereinafter.

To reach Point A, commence at the Southeast corner of Section 15, Township 19 South, Range 2 West; thence run West along the South boundary line of said Section 15 a distance of 977.8 feet to a point; thence turn an angle to the right of 77 degrees 42 minutes and run North 11 degrees 13 minutes West a distance of 222.6 feet to a point; thence turn an angle to the left of 09 degrees 01 minute and run North 20 degrees 14 minutes West a distance of 205.4 feet to a point; thence turn an angle to the left of 09 degrees 25 minutes and run North 29 degrees 39 minutes West a distance of 207.8 feet to a point; thence turn an angle to the right of 11 degrees 59 minutes and run North 17 degrees 40 minutes West a distance of 233.6 feet to a point; thence turn an angle to the left of 18 degrees 27 minutes and run North 36 degrees 07 minutes West a distance of 920.5 feet to a point; thence turn an angle to the right of 04 degrees 18 minutes and run North 31 degrees 49 minutes West a distance of 517.8 feet to a point; thence turn an angle to the left of 05 degrees 47 minutes and run North 37 degrees 36 minutes West a distance of 1386.4 feet to a point; thence turn an angle to the right of 00 degrees 21 minutes and run North degrees 15 minutes West a distance of 333.7 feet to a point; thence turn an angle to the left and run Southwesterly a distance of 67 feet to a point, such point being called Point A.

The said Claud F. Fulmer and wife, Viola Fulmer are the owners of the lands described above.

Par. 7

A strip of land 30 feet in width which lies within the Southeast Quarter of Northwest Quarter ($SE\frac{1}{4}$ of $NW\frac{1}{4}$) of Section 15, Township 19 South, Range 2 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 10, Township 19 South, Range 2 West; thence run North along the East boundary line of such Section 10 a distance of 162.8 feet to a point; thence turn an angle to the left of 133 degrees 41 minutes and run South 46 degrees 10 minutes West a distance of 839.5 feet to a point; thence turn an angle to the left of 16 degrees 53 minutes and run South 29 degrees 17 minutes West a distance of 252.6 feet to a point; thence turn an angle to the right of 18 degrees 19 minutes and run South 47 degrees 36 minutes West a distance of 272.3 feet to a point; thence turn an angle to the right of 03 degrees 28 minutes and run South 51 degrees 04 minutes West a distance of 191.8 feet to a point; thence turn an angle to the right of 07 degrees 57 minutes and run South 59 degrees 01 minute West a distance of 212.8 feet to a point; thence turn an angle to the right of 01 degree 57 minutes and run South 60 degrees 58 minutes West a distance of 199.6 feet to a point; thence turn an angle to the right of 13 degrees 40 minutes and run South 74 degrees 38 minutes West a distance of 271.1 feet to a point; thence turn an angle to the right of 05 degrees 03 minutes and run South 79 degrees 41 minutes West a distance of 277.0 feet to a point; thence turn an angle to the right of 35 degrees 24 minutes and run North 64 degrees 55 minutes West a distance of 205.8 feet to a point; thence turn an angle to the left of 10 degrees 39 minutes and run North 75 degrees 34 minutes West a distance of 308.3 feet to a point; thence turn an angle to the left of 88 degrees 49 minutes and run South 15 degrees 37 minutes West a distance of 205.9 feet to a point; thence turn an angle to the right of 10 degrees 32 minutes and run South 26 degrees 09 minutes West a distance of 224.8 feet to a point; thence turn an angle to the right of 30 degrees 39 minutes and run South 56 degrees 48 minutes West a distance of 104 feet, more or less, to a point on the East boundary line 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 15 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs North 56 degrees 48 minutes West a distance of 81 feet, more or less, to a point on the South boundary line 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 William J. Bailey and wife, Lucille M. Bailey are the owners of the lands described above.

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Par. 9

The rights to be acquired in this parcel consist of the acquisition of and the right to clear and remove such timber on or above that portion of the property of the Defendants lying adjacent to and within fifteen (15) feet of a strip of right of way hereinafter described in the West Half of the Northeast Quarter ($W\frac{1}{2}$ of $NE\frac{1}{4}$) of Section 15, Township 19 South, Range 2 West, Shelby County, Alabama, which timber in falling would come within five (5) feet of the nearest wire lines of applicant to be hereafter constructed or placed on the following described strip of right of way.

To reach the point of beginning of said strip of right of way, commence at the Southeast corner of Section 10, Township 19 South, Range 2 West; thence run North along the East boundary line of said Section 10 a distance of 162.8 feet to a point; thence turn an angle to the left of 133 degrees 41 minutes and run South 46 degrees 10 minutes West a distance of 839.5 feet to a point; thence turn an angle to the left of 16 degrees 53 minutes and run South 29 degrees 17 minutes West a distance of 252.6 feet to a point; thence turn an angle to the right of 18 degrees 19 minutes and run South 47 degrees 36 minutes West a distance of 272.3 feet to a point; thence turn an angle to the right of 03 degrees 28 minutes and run South 51 degrees 04 minutes West a distance of 191.8 feet to a point; thence turn an angle to the right of 07 degrees 57 minutes and run South 59 degrees 01 minute West a distance of 212.8 feet to a point; thence turn angle to the right of 01 degree 57 minutes and run South 60 degrees 58 minutes West a distance of 199.6 feet to a point, such point being called Point A for reference hereinafter, such point also being the point of beginning of the strip of right of way herein described; therefrom, said strip of right of way is ten (10) feet in width and lies five (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 13 degrees 40 minutes and runs South 74 degrees 38 minutes West a distance of 271.1 feet to a point, such point being called Point B for reference hereinafter; thence turn an angle to the right of 05 degrees 03 minutes and run South 79 degrees 41 minutes West a distance of 277.0 feet to a point, such point being called Point C for reference hereinafter; thence turn an angle to the right of 35 degrees 24 minutes and run North 64 degrees 55 minutes West a distance of 119.0 feet to a point, such point being the point of ending of said strip of right of way. The applicant also seeks the right and authority to place such 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; the right and authority to place such guy wires and anchors for a distance not to exceed 35 feet outside of and in a Southerly direction from such ways and rights of way at Point B indicated above; also the right and authority to place such guy wires and anchors for a distance not to exceed 45 feet outside of and in a Southerly direction from such ways and rights of way at Point C indicated above as may be necessary in the erection, construction or maintenance of said wire lines and appliances of applicant.

The said Faith Presbyterian Church, Inc., a nonprofit corporation, is the owner of the lands described above.

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Par. 11

The applicant seeks the right and authority to place such guy wires and anchors at the locations as indicated by Points B, D and E hereafter as may be necessary in the erection, construction or maintenance of said wire lines and appliances of the applicant. Such guy wires and anchors not to exceed 30 feet in an Easterly direction from Points B, D and E indicated hereinafter.

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To reach Points B, D and E, commence at the Southwest corner of Section 11, Township 19 South, Range 2 West; thence run North along the West boundary line of such Section 11 a distance of 162.8 feet to a point; thence turn an angle to the right of 46 degrees 19 minutes and run North 46 degrees 10 minutes East a distance of 1658.4 feet to a point; thence turn an angle to the left of 06 degrees 41 minutes and run North 39 degrees 29 minutes East a distance of 143.2 feet to a point, such point being called Point A for reference hereinafter; thence turn an angle to the right and run Southeasterly on Bisector of Angle to a point on the Southeasterly right of way line of Shelby County Highway #17, such point being called Point B for reference indicated above; thence return to Point A indicated above and run North 28 degrees 49 minutes East a distance of 175.9 feet to a point, such point being called Point C for reference hereinafter; thence turn an angle to the right and run Southeasterly on Bisector of Angle to a point on the Southeasterly right of way of Shelby County Highway #17, such point being called Point D for reference indicated above; thence return to Point C indicated above and run North 17 degrees 57 minutes East a distance of 216.9 feet to a point; thence turn an angle to the left of 15 degrees 42 minutes and run North 02 degrees 15 minutes East a distance of 22.0 feet to a point; thence turn an angle to the right and run Easterly on Bisector of Angle to an Alabama Power Company Distribution Pole on the Easterly right of way line of Shelby County Highway #17, such point being called Point E.

BOOK The said James E. Majerik and wife, Mary Ann Majerik are the owners of the lands described above.

Par. 13

The rights to be acquired in this parcel consist of the acquisition of and the right to clear and remove such timber on or above that portion of the property of the Defendants lying adjacent to and within fifteen (15) feet of a strip of right of way hereinafter described in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$), the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$) and the West Half of the Northeast Quarter (W $\frac{1}{2}$ of NE $\frac{1}{4}$) of Section 11, Township 19 South, Range 2 West, Shelby County, Alabama, which timber in falling would come within five (5) feet of the nearest wire lines of applicant to be hereafter constructed or placed on the following described strip of right of way.

To reach the point of beginning of said strip of right of way, commence at the Southwest corner of Section 11, Township 19 South, Range 2 West; thence run North along the West boundary line of said Section 11 a distance of 162.8 feet to a point; thence turn an angle to the right of 46 degrees 19 minutes and run North 46 degrees 10 minutes East a distance of 1658.4 feet to a point; thence turn an angle to the left of 06 degrees 41 minutes and run North 39 degrees 29 minutes East a distance of 143.2 feet to a point; thence turn an angle to the left of 10 degrees 40 minutes and run North 28 degrees 49 minutes East a distance of 175.9 feet to a point; thence turn an angle to the left of 10 degrees 52 minutes and run North 17 degrees 57 minutes East a distance of 216.9 feet to a point; thence turn an angle to the left of 15 degrees 42 minutes and run North 02 degrees 15 minutes East a distance of 299.4 feet to a point; thence turn an angle to the right of 08 degrees 55 minutes and run North 11 degrees 10 minutes East a distance of 353.6 feet to a point; thence turn an angle to the right of 16 degrees 26 minutes and run North 27 degrees 36 minutes East a distance of 186.0 feet to a point, such point being the point of beginning of the strip of right of way herein described; therefrom, said strip of right of way is ten (10) feet in width and lies five (5) feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs North 27 degrees 36 minutes East a distance of 188.0 feet to a point, such point being called Point A for reference hereinafter; thence turn an angle to the right of 10 degrees 34 minutes and run North 38 degrees 10 minutes East a distance of 475.0 feet to a point, such point being called Point B for reference hereinafter; thence turn an angle to the right of 13 degrees 01 minute and run North 51 degrees 11 minutes East a distance of 275.5 feet to a point; such point being called Point C for reference hereinafter; thence turn an angle to the right of 01 degree 55 minutes and run North 53 degrees 06 minutes East a distance of 418.5 feet to a point; thence turn an angle to the right of 00 degrees 17 minutes and run North 53 degrees 23 minutes East a distance of 277.3 feet to a point; thence turn an angle to the left of 05 degrees 10 minutes and run North 48 degrees 13 minutes East a distance of 234.2 feet to a point; thence turn an angle to the left of 02 degrees 10 minutes and run North 46 degrees 03 minutes East a distance of 576 feet to a point, such point being the point of ending of said strip of right of way. The applicant also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 55 feet outside of and in a Northwesterly direction from such ways and rights of way at Points A and B indicated above; also the right and authority to place such guy wires and anchors for a distance not to exceed 60 feet outside of and in a Northwesterly direction from such ways and rights of way at Point C indicated above as may be necessary in the erection, construction or maintenance of said wire lines and appliances of applicant.

The said Daniel Realty Corporation, an Alabama Corporation, is the owner of the lands described above.

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Par. 14

The applicant seeks the right and authority to place such guy wire and anchors at the locations as indicated by Points B and C hereafter as may be necessary in the erection, construction or maintenance of said wire lines and appliances of the applicant. Such guy wires and anchors not to exceed 60 feet in a Southeasterly direction from Point B indicated hereinafter; also, such guy wires and anchors not to exceed 30 feet in a Southeasterly direction from Point C indicated hereinafter.

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To reach said Points B and C, commence at the Northwest corner of the East Half (E $\frac{1}{2}$) of Section 11, Township 19 South, Range 2 West; thence run East along the North boundary line of such Section 11 a distance of 1647.3 feet to a point; thence turn an angle to the right of 141 degrees 30 minutes and run South 54 degrees 25 minutes West a distance of 38.8 feet to a point; thence turn an angle to the left of 03 degrees 17 minutes and run South 51 degrees 08 minutes West a distance of 283.7 feet to a point; thence turn an angle to the left of 05 degrees 05 minutes and run South 46 degrees 03 minutes West a distance of 1517.0 feet to a point ; such point being called Point A for reference hereinafter; thence turn an angle to the left and run Southeasterly on the Bisector of Angle to the Southeast right of way line of Shelby County Road #17, such point being called Point B; thence return to Point A indicated above and run South 48 degrees 13 minutes West a distance of 234.2 feet to a point; thence turn an angle to the left and run Southeasterly on the Bisector of Angle to the Southeast right of way line of Shelby County Road #17, such point being called Point C.

BOOK The said Nelson Brothers, Inc., an Alabama Corporation, is the owner of the lands described above.

Par. 15

The rights to be acquired in this parcel consist of the acquisition of and the right to clear and remove such timber on or above that portion of the property of the Defendants lying adjacent to and within fifteen (15) feet of a strip of right of way hereinafter described in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section 11, Township 19 South, Range 2 West, Shelby County, Alabama, which timber in falling would come within five (5) feet of the nearest wire lines of applicant to be hereafter constructed or placed on the following described strip of right of way .

To reach the point of beginning of said strip of right of way, commence at the Northwest corner of the East Half (E $\frac{1}{2}$) of Section 11, Township 19 South, Range 2 West; thence run East along the North boundary line of said East Half a distance of 1647.3 feet to a point; thence turn an angle to the right of 141 degrees 30 minutes and run South 54 degrees 25 minutes West a distance of 38.8 feet to a point; thence turn an angle to the left of 03 degrees 17 minutes and run South 51 degrees 08 minutes West a distance of 283.7 feet to a point; thence turn an angle to the left of 05 degrees 05 minutes and run South 46 degrees 03 minutes West a distance of 695.5 feet to a point, such point being the point of beginning of the strip of right of way herein described; therefrom, said strip of right of way is ten (10) feet in width and lies five (5) feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs South 46 degrees 03 minutes West a distance of 246 feet, more or less, to a point, such point being the point of ending of said strip of right of way.

The said Allen B. Frederick and wife, Lola Ann Frederick are the owners of the lands described above.

Par. 16

The rights to be acquired in this parcel consist of the acquisition of and the right to clear and remove such timber on or above that portion of the property of the Defendants lying adjacent to and within fifteen (15) feet of a strip of right of way hereinafter described in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section 11, Township 19 South, Range 2 West, Shelby County, Alabama, which timber in falling would come within five (5) feet of the nearest wire lines of applicant to be hereafter constructed or placed on the following described strip of right of way.

To reach the point of beginning of said strip of right of way, commence at the Northwest corner of the East Half (E $\frac{1}{2}$) of Section 11, Township 19 South, Range 2 West; thence run East along the North boundary line of said East Half (E $\frac{1}{2}$) a distance of 1647.3 feet to a point; thence turn an angle to the right of 141 degrees 30 minutes and run South 54 degrees 25 minutes West a distance of 38.8 feet to a point; thence turn an angle to the left of 03 degrees 17 minutes and run South 51 degrees 08 minutes West a distance of 283.7 feet to a point; thence turn an angle to the left of 05 degrees 05 minutes and run South 46 degrees 03 minutes West a distance of 262 feet to a point, such point being the point of beginning of the strip of right of way herein described; therefrom, said strip of right of way is ten (10) feet in width and lies five (5) feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs South 46 degrees 03 minutes West a distance of 433 feet to a point, such point being the point of ending of said strip of right of way.

The said First Christian Church of Birmingham, Inc., a nonprofit corporation, is the owner of the lands described above.

PREMISES CONSIDERED, applicant makes the said Samuel Porter Howell; Betty J. Howell; Charles L. Denaburg; Miriam H. Denaburg; James Crane; Jeanette Crane; Robert E. Evans; Alice Evans; Roy Lockhart; Vivian Lockhart; Lester M. Atkisson; Annie Atkisson; Claud F. Fulmer; Viola Fulmer; William J. Bailey; Lucille M. Bailey; James E. Majerik; Mary Ann Majerik; Allen B. Frederick; Lola Ann Frederick; Faith Presbyterian Church, Inc., a Nonprofit Corporation; First Christian Church of Birmingham, Inc., a Nonprofit Corporation; Daniel Realty Corporation, an Alabama Corporation and Nelson Brothers, Inc., an Alabama Corporation parties defendant to this application and prays that the Court will make and enter an order appointing a day for the hearing of this application; and that notice of this application and of the day so appointed for the hearing thereof may be issued to the remaining defendants and that service thereof be had in this state in the manner required by law at least ten days before the day so appointed for such hearing; that upon such hearing an order will be made by this court condemning to the uses and purposes of your applicant all the rights, authority and power sought and described herein, and for such other and further orders as may be authorized by law.

RECORDING FEES

Recording Fee	\$ <u>37.50</u>
Index Fee	<u>24.00</u>
TOTAL	\$ <u>61.50</u>

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STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

1985 SEP 20 AM 11:45

Thomas A. Shumaker, Jr.
JUDGE OF PROBATE

ALABAMA POWER COMPANY

By

[Signature]
Its Attorney

JAMES M. PROCTOR, II

BALCH & BINGHAM

P. O. BOX 306

BIRMINGHAM, ALABAMA 35201

Attorneys for
Alabama Power Company