VOL. 144 PAGE 94

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

ALABAMA POWER COMPANY,
a corporation,

Plaintiff,

v.

3,600 Acres, More or Less, of Land in Talladega, Shelby and St. Clair Counties, Alabama, and W. F. ROBERTSON, ET AL.,

Defendants.

CIVIL ACTION

NO. CA 66-769

The motion for summary judgment hereinafter set forth and all pending motions in this case have been set for hearing at 1:30 o'clock P.M. on March 3, 1967, before Honorable Seybourn H. Lynne, United States District Judge, in the United States District Courtroom, Federal Building, Birmingham, Alabama. We have been requested by the Court to advise you of such motion docket as no formal notice of same will be issued to you by the Court.

This 21st day of February, 1967.

RECORDED IN ABOVE BOOK 071 PAGE 206

RECORDED
FEB 23 1967
MAR 1 - 1967
3 PM
5311
008

James H. Hancock
Attorney for Plaintiff

James H. Hancock
Martin, Balch, Bingham, Hawthorne & Williams
600 North 18th Street
Birmingham, Alabama 35203

FILED IN CLERK'S OFFICE
NORTHERN DISTRICT OF ALABAMA

FEB 21 1967

WILLIAM E. DAVIS
CLERK, U. S. DISTRICT COURT

By_____
Deputy Clerk

VOL 144 PAGE 95

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

| | |
|---|---|
| ALABAMA POWER COMPANY, a corporation,<br><br>Plaintiff,<br><br>v.<br><br>3,600 Acres, More or Less, of Land in Talladega, Shelby and St. Clair Counties, Alabama, and W. F. ROBERTSON, ET AL.,<br><br>Defendants. | CIVIL ACTION<br><br>NO. CA 66-769 |

MOTION FOR SUMMARY JUDGMENT BY PLAINTIFF

Plaintiff moves the Court to enter, pursuant to Rule 56 of the Federal Rules of Civil Procedure, a summary judgment to plaintiff's favor on the issue of the necessity of taking the lands described in the amended complaint herein as Tracts numbered 382-2, 382-1, 314, 377, 379, 283, 292, 369, 393, 510, 271, 280, 247, 408-3, 374, 496, 512, 287-1, 2 & 3, 249, 375, 349, 209-3, 502, 372, 381-1 & 2, 362, 503-1, 2 & 3, 383-3, 244-1 & 2, 341, 278, 501, 272, 354, 500, 342, 345, 350-1 & 2 and 336-1 & 2 for the purposes and uses outlined in the complaint on the ground that there is no genuine issue as to any material fact relative to the necessity for the taking of such lands and that plaintiff is entitled to a ruling that such lands are necessary for the purposes stated as a matter of law.

This motion is based on the attached affidavit of Mr. E. R. Coulbourn.

BOOK 071 PAGE 207

Martin, Balch, Bingham, Hawthorne & Williams

/s/ Harold Williams

/s/ James D. Hancock

Attorneys for Plaintiff

Martin, Balch, Bingham, Hawthorne & Williams
600 North 18th Street
Birmingham, Alabama 35203

FILED IN CLERK'S OFFICE
NORTHERN DISTRICT OF ALABAMA

FEB 2 1967

WILLIAM E. DAVIS
CLERK, U. S. DISTRICT COURT
By.....
Deputy Clerk

STATE OF ALABAMA )
JEFFERSON COUNTY )

AFFIDAVIT OF E. R. COULBOURN IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Before me, the undersigned authority in and for said County in said State, personally appeared E. R. Coulbourn, who being known to me and by me first duly sworn, on his oath deposes and says as follows:

My name is E. R. Coulbourn. I am a Vice President-Engineering for Alabama Power Company. Alabama Power Company is a corporation organized under the laws of Alabama and has its principal place of business in Birmingham, Alabama. I have been employed by or associated with Alabama Power Company for over forty years.

Alabama Power Company constructed its Lay Dam and Reservoir across the Coosa River under authority of the Act of Congress of March 4, 1907 (34 Stat. 1288) and acquired lands and interests in lands therefor to those certain datum planes of 382.2 feet (between River Miles 51.8 and 57.5) and 387.2 feet (between River Miles 57.5 and 73.2) above mean sea level as established by the United States Coast and Geodetic Survey, as adjusted in January, 1955.

The engineering for and planning of Alabama Power Company's current development of the Coosa River, from a point thereon at Mayo's Bar in Floyd County, Georgia, to a point near Wetumpka, Alabama, which includes the enlargement of Lay Dam, the construction of four other dams, and certain other works, were performed in the Engineering and Construction Departments of Alabama Power Company. I have personal knowledge of such plans and the formulation and development thereof. These plans when completed were submitted to the Federal Power Commission which, with certain modifications, approved them and assigned thereto the designation of F.P.C. Project No. 2146.

F.P.C. Project No. 2146 includes specifications for various structures and component parts of Lay Dam and Reservoir which is presently in the process of being enlarged on the Coosa River in Chilton, Coosa, Shelby and Talladega Counties, Alabama. These improvements there provided for include the dam, reservoir, powerhouse, gated spillway, compacted earth reservoir retaining dikes, navigation facilities, substation,

BOOK 071 PAGE 208

and transmission and communication facilities. There are other works appurtenant or accessory to the enlargement, maintenance and operation of Lay Dam and Reservoir, such as borrow and waste disposal areas, access roads, security areas, and others, which I shall not mention.

The new and enlarged reservoir will be constructed so that its normal water elevation at the dam, being approximately River Mile Post 51.8, will be 397 feet above mean sea level as established by the United States Coast and Geodetic Survey, as adjusted in January, 1955. Proceeding upstream from the dam, the normal reservoir elevation rises progressively from that at the dam, according to hydraulic gradient, to an elevation of 406 feet at River Mile Post 99.8, which is the upper end of the reservoir at the powerhouse of Logan Martin Dam, in St. Clair and Talladega Counties. During or after periods of heavy rainfall, either locally in the reservoir or in the drainage area affecting it, the water elevation of the reservoir may rise from time to time above the normal reservoir elevation into the flood easement area. The flood easement area begins at approximately River Mile Post 64 and at that point will be 398 feet, or one foot above normal reservoir elevation. Proceeding upstream from River Mile Post 64, the elevation of the flood easement area rises progressively, according to hydraulic gradient, to an elevation of 410 feet at River Mile Post 99.8 (which is the upper end of the Reservoir), or four feet above normal reservoir elevation. The specific elevations, both for normal reservoir elevation and, where applicable, flood easement elevation, are shown on each of the Tracts attached to the amended complaint in this case and designated Exhibit A.

BOOK 071 PAGE 209

I have personal knowledge of the manner in which the structures and component parts of Lay Dam and Reservoir will be actually located on the Coosa River and the project lands adjoining it, and know how such improvements and the reservoir will be located with respect to those parcels of land described in the amended complaint as Tracts numbered 382-2, 382-1, 314, 377, 379, 283, 292, 369, 393, 510, 871, 280, 247, 408-3, 374, 496, 512, 287-1, 2 &3, 249, 375, 349, 209-3, 502, 372, 381-1 & 2, 362, 503-1, 2 &3, 383-3, 244-1 & 2, 341, 278, 501, 272, 354, 500, 342, 345, 350-1 & 2 and 336-1 & 2. These lands

are sought to be condemned in this proceeding for use in connection with the reservoir. Attached to this affidavit, and made a part hereof, are maps or sketches showing these tracts. Each tract will be affected by the waters of the reservoir in the manner shown on the individual map or sketch. Shown in blue on each map or sketch is the portion of the tract to be covered by the reservoir, when it is at its normal elevation, and shown in yellow is the portion of the tract to be covered when the reservoir is at flood easement elevation. The approximate acreage in the various portions of the tract is shown also. The elevations, or contour lines, shown on the maps have been staked on the ground, and painted, on each individual tract.

In addition, it will be necessary to go on and across the lands of the various tract owners, which will not be flooded, with men and equipment to clear the area of the particular tract which will be within the limits of the normal reservoir.

I have personal knowledge of the correctness of the above statements.

W. R. Coulbourn

BOOK 071 PAGE 210

Subscribed and sworn to before me,

this the 21st day of February, 1967.

James W. Hancock
Notary Public
Jefferson County, Alabama

My Commission Expires May 14, 1968.

FILED FOR RECORD
1967 MAR 1 AM 9:30
RECORDED AS ABOVE
1967 MAR 3 PM 2:30

4800

**CERTIFICATE**

I hereby certify that I have this day mailed copies of the foregoing motion and notice of the date and time of the hearing thereof to the following: Mr. William W. Conwell, c/o Wingo, Bibb, Foster & Conwell, 1115 First National Building, Birmingham, Alabama 35205; Mr. C. W. McKay, Jr., c/o McKay & Livingston, First Federal Building, Sylacauga, Alabama; Mr. Otis G. Phillips, 503 Green Street, Alexander City, Alabama; Mr. Dan W. McCoy, Attorney at Law, Childersburg, Alabama; Mr. M. R. Kirkland, 310 West Almon, Tuscumbia, Alabama; Mr. Maurice Bishop, 327 Frank Nelson Building, Birmingham, Alabama 35203; Mr. A. Key Foster, Jr., 600 North 18th Street, Birmingham, Alabama 35203; Mr. Romaine Scott, c/o Bradley, Arant, Rose & White, Brown Marx Building, Birmingham, Alabama 35203; Mr. Jack Harrison, c/o James, Beavers & Harrison, City Federal Building, Birmingham, Alabama 35203; Mr. Homer A. Jackson, Bank for Savings Building, Birmingham, Alabama 35203; Mr. Floyd G. Swearingen, Attorney, c/o Federal Land Bank of New Orleans, P. O. Box 50590, New Orleans, Louisana 70150; Mr. Frank Bainbridge, 1010 Massey Building, Birmingham, Alabama 35203; Mr. Donald C. Livingston, 212-02 33 Road, Bayside, New York 11361; Mr. T. G. Wood, Route #5, Russellville, Alabama; Messrs. Wallace & Ellis, Attorneys at Law, Columbiana, Alabama; Messrs. Love & Love, Attorneys at Law, Talladega, Alabama; Mr. James O. Gorman, Vincent, Alabama; Mr. J. M. Rowe, Drawer D, Vincent, Alabama; Mr. Wesley Smith, Attorney at Law, Sylacauga, Alabama; Mr. Ira H. Kline, 217 Frank Nelson Building, Birmingham, Alabama 35203; Mr. Samuel H. Burr, 1130 Bank for Savings Building, Birmingham, Alabama 35203; and Mr. Leigh M. Clark, 9th Floor, First National Building, Birmingham, Alabama 35203.

This the 21st day of February, 1967.

James H. Hancock

James H. Hancock

BOOK 071 PAGE 211

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

ALABAMA POWER COMPANY,
a corporation,

Plaintiff,

v.

3,600 Acres, More or Less, of Land in Talladega, Shelby and St. Clair Counties, Alabama, and W. F. ROBERTSON, ET AL.,

Defendants.

CIVIL ACTION

NO. CA 66-769

FILED IN CLERK'S OFFICE
NORTHERN DISTRICT OF ALABAMA

MAR 1 : 1967

WILLIAM E. DAVIS
CLERK, U. S. DISTRICT COURT

By ..... DEPUTY CLERK

ORDER ON MOTION FOR SUMMARY JUDGMENT
AND JUDGMENT CONDEMNING LAND

BOOK 071 PAGE 212

A motion having been made by the plaintiff for summary judgment in its favor on the issue of the necessity of taking the lands described in the complaint herein as Tract Nos. 382-2, 382-1, 314, 377, 379, 283, 292, 369, 393, 510, 271, 280, 247, 408-3, 374, 496, 512, 287-1, 2 & 3, 249, 375, 349, 209-3, 502, 372, 381-1 & 2, 362, 503-1, 2 & 3, 383-3, 244-1 & 2, 341, 278, 501, 272, 354, 500, 342, 345, 350-1 & 2 and 336-1 & 2 for the purposes and uses outlined in Paragraphs 3 and 4 of the complaint on the ground that there is no genuine issue as to any material fact relative to the necessity for the taking of such lands and that plaintiff is entitled to judgment on such issue as a matter of law; and

The plaintiff subsequent to the filing of such motion for summary judgment having amended the complaint by deleting Tract Nos. 382-2, 382-1, 283, 381-1 & 2 and 345 from these proceedings and from the motion for summary judgment;

Now, on considering the affidavit of E. R. Coulbourn filed in support of such motion for summary judgment, which affidavit establishes in the opinion of the court that plaintiff needs the tracts of land designated hereinafter for the purposes stated in the complaint; and

It appearing to the court that there is no genuine issue as to any material fact, except as to the amount of damages to which the condemnees herein are entitled, and the court having concluded after due

deliberation having been had, that plaintiff is entitled to summary judgment as to the issue of necessity for the taking as hereinafter specified and to an order condemning the respective lands and interests therein; it is

ORDERED, ADJUDGED and DECREED that the motion for summary judgment, insofar as it pertains to the tracts hereinafter listed, be and the same is hereby granted; and it is

FURTHER ORDERED, ADJUDGED and DECREED that, without further order of this court, plaintiff upon making the deposits of money in court hereinafter specified, be vested with

A. Fee simple title to those portions of (i) Tract Nos. 379, 271, 496, 209-3, and 336-1 & 2 lying below that certain datum plane of 397 feet, (ii) Tract Nos. 510, 408-3, 512, 349, 372, 383-3, 341, 278, 272, 354, 500, 342, and 350-1 & 2 lying below that certain datum plane of 398 feet, (iii) Tract Nos. 280, 247, 287-1, 2 & 3, 502, 503-1, 2 & 3, 244-1 & 2, and 501 lying below that certain datum plane of 399 feet; (iv) Tract No. 362 lying below that certain datum plane of 400 feet; (v) Tract No. 369 lying below that certain datum plane of 402 feet; and (vi) Tract Nos. 393, 374 and 375 lying below that certain datum plane of 403 feet; all above mean sea level as established by the United States Coast and Geodetic Survey, as adjusted in January, 1955;

BOOK 071 PAGE 213

B. The right to flood or cover with water at intervals from time to time, and the right to prevent the construction, use, occupation or habitation of any structures except fences, docks, wharves and boathouses not capable of human habitation (including the right to tear down or remove any such prohibited structures) on, the portions of (i) Tract No. 496 which lies above such datum plane of 397 feet and which would be flooded or covered by the waters of the Coosa River and its tributaries should the level of such water be raised and backed up to that certain datum plane of 401 feet; (ii) Tract Nos. 209-3 and 336-1 & 2 which lie above such datum plane of 397 feet and which would be flooded or covered by the waters of the Coosa River and its tributaries should the level of such water be raised and backed up to that certain datum plane of 403 feet;

(iii) Tract Nos. 379 and 271 which lie above such datum plane of 397 feet and which would be flooded or covered by the waters of the Coosa River and its tributaries should the level of such water be raised and backed up to that certain datum plane of 404 feet; (iv) Tract No. 272 which lies above such datum plane of 398 feet and which would be flooded or covered by the waters of the Coosa River and its tributaries should the level of such water be raised and backed up to that certain datum plane of 405 feet; (v) Tract Nos. 408-3, 349, 383-3, 341 and 342 which lie above such datum plane of 398 feet and which would be flooded or covered by the waters of the Coosa River and its tributaries should the level of such water be raised and backed up to that certain datum plane of 406 feet; (vi) Tract Nos. 510, 512, 372, 278, 354, 500 and 350-1 & 2 which lie above such datum plane of 398 feet and which would be flooded or covered by the waters of the Coosa River and its tributaries should the level of such water be raised and backed up to that certain datum plane of 407 feet; (vii) Tract Nos. 280, 502, 503-1, 2 & 3 and 501 which lie above such datum plane of 399 feet and which would be flooded or covered by the waters of the Coosa River and its tributaries should the level of such water be raised and backed up to that certain datum plane of 407 feet; (viii) Tract Nos. 247, 287-1, 2 & 3 and 244-1 & 2 which lie above such datum plane of 399 feet and which would be flooded or covered by the waters of the Coosa River and its tributaries should the level of such water be raised and backed up to that certain datum plane of 408 feet; (ix) Tract No. 362 which lies above such datum plane of 400 feet and which would be flooded or covered by the waters of the Coosa River and its tributaries should the level of such water be raised and backed up to that certain datum plane of 408 feet; (x) Tract No. 369 which lies above such datum plane of 402 feet and which would be flooded or covered by the waters of the Coosa River and its tributaries should the level of such water be raised and backed up to that certain datum plane of 408 feet; (xi) Tract Nos. 393, 374 and 375 which lie above such datum plane of 403 feet and which would be flooded or covered by the waters of the Coosa River and its tributaries should

BOOK 071 PAGE 214

0533 8800

the level of such water be raised and backed up to that certain datum plane of 408 feet; and (x11) Tract Nos. 314, 377, 292 and 249 which would be flooded or covered by the waters of the Coosa River and its tributaries should the level of such water be raised and backed up to that certain datum plane of 408 feet; all above mean sea level as established by the United States Coast and Geodetic Survey, as adjusted in January, 1955;

C. Together with all other rights as prayed for in the bill of complaint herein with regard to the above listed tracts, including the right of ingress and egress;

all such rights to vest in plaintiff without further order of this court upon plaintiff's depositing with the court the sums of money below specified which are equal to the appraisals made by plaintiff of the value of all the interests in land condemned herein:

| Tract No. | Amount |
|---|---|
| 314 | $ 25.00 |
| 377 | 35.00 |
| 379 | 985.00 |
| 292 | 600.00 |
| 369 | 530.00 |
| 393 | 570.00 |
| 510 | 295.00 |
| 271 | 1,545.00 |
| 280 | 655.00 |
| 247 | 500.00 |
| 408-3 | 2,770.00 |
| 374 | 2,150.00 |
| 496 | 9,925.00 |
| 512 | 1,200.00 |
| 287-1, 2 & 3 | 5,530.00 |
| 249 | 235.00 |
| 375 | 7,625.00 |
| 349 | 2,230.00 |

RECORDED IN REAL PROPERTY RECORDS
ON 5 DAY OF JUNE 1968
AT 9:00 A.M.
0531 6800
BOOK 071 PAGE 215

| | |
|---|---|
| 209-3 | 8,935.00 |
| 502 | 1,925.00 |
| 372 | 5,650.00 |
| 362 | 2,170.00 |
| 503-1, 2 & 3 | 3,770.00 |
| 383-3 | 4,075.00 |
| 244-1 & 2 | 3,140.00 |
| 341 | 885.00 |
| 278 | 4,480.00 |
| 501 | 7,155.00 |
| 272 | 11,675.00 |
| 354 | 6,975.00 |
| 500 | 7,190.00 |
| 342 | 3,880.00 |
| 350-1 & 2 | 20,830.00 |
| 336-1 & 2 | 46,025.00 |
| Total | $176,165.00 |

BOOK 071 PAGE 216

RECORDED
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The various tract numbers appearing in this order have reference to the corresponding tract numbers appearing in the complaint and Exhibit A thereto, as amended by Amendments 1 through 3, inclusive, which have heretofore been allowed by the court.

This the 17 day of March, 1967.

Seybert H. Lyons

United States District Judge

TRACT NO. 382-2

DESCRIPTION:

All that part of the Northwest Quarter of Northeast Quarter (NW¼ of NE¼) of Section 29, Township 20 South, Range 2 East, lying and being situated South and West of Yellow Leaf Creek; also, all that part of the Southwest Quarter of Northeast Quarter (SW¼ of NE¼) of Section 29, Township 20 South, Range 2 East, lying West and South of Yellow Leaf Creek; all of the above in Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

14.36 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 398 feet above mean sea level. An additional 6.53 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 406 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| W. F. Robertson | Route 2, Wilsonville, Alabama |
| Margaret B. Robertson | Route 2, Wilsonville, Alabama |
| J. M. Robertson | Route 2, Wilsonville, Alabama |
| Martha H. Robertson | Route 2, Wilsonville, Alabama |
| Owners Unknown | Names and Addresses Unknown |

0531 0091
RECORDED
88 APR 29
BOOK 071 PAGE 217

EXHIBIT A

TRACT NO. 382-1

DESCRIPTION:

All that part of the Northeast Quarter of Southwest Quarter (NE¼ of SW¼) and Northwest Quarter of Southeast Quarter (NW¼ of SE¼) of Section 30, Township 20 South, Range 2 East, lying South of Four Mile Creek in Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

6.6 acres, more or less, of this tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 406 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| W. F. Robertson | Route 2, Wilsonville, Alabama |
| Margaret B. Robertson | Route 2, Wilsonville, Alabama |
| J. M. Robertson | Route 2, Wilsonville, Alabama |
| Martha H. Robertson | Route 2, Wilsonville, Alabama |
| Owners Unknown | Names and Addresses Unknown |

BOOK 671 PAGE 218

RECORDED IN THE
DEED BO
FILE
'86 APR 1 AM 8
ON 3 PM 40

0531 0092

TRACT NO. 314

DESCRIPTION:

Lots 5 and 6 of Jackson Heights Subdivision as recorded in Plat Book 4 at page 22 in the Office of the Judge of Probate of Talladega County, Alabama.

ACREAGE TO BE AFFECTED:

.08 of an acre, more or less, of this tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 408 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| X Robert O. Ray | 6 Riverside Drive, Childersburg, Ala. |
| X Mary Harford Ray | 6 Riverside Drive, Childersburg, Ala. |
| First Federal Savings and Loan Association of Sylacauga (Mortgagee) | 225 North Norton Avenue Sylacauga, Alabama |

BOOK 671 PAGE 219

RECORDED IN ABOVE
DEED BOOK AND PAGE
FILED FOR RECORD
ON 23rd DAY OF
May 88
AT 11 O'CLOCK A.M.

0531

0093

TRACT NO. 377

DESCRIPTION:

South Half of the Southeast Quarter ($S\frac{1}{2}$ of $SE\frac{1}{4}$) of Section 11, Township 19 South, Range 2 East; also, ten (10) acres on the North side of the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4}$ of $NE\frac{1}{4}$) of Section 14, Township 19 South, Range 2 East; all in Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

3.4 acres, more or less, of this tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 408 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Wesley Smith | Box 294<br>Sylacauga, Alabama |
| Anne B. Smith | Box 294,<br>Sylacauga, Alabama |
| Owners Unknown | Names and Addresses Unknown |

BOOK 371 PAGE 220

0531 1300

RECORDED IN ABOVE
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FILED
'95 MAY -1 AM 8:3
Of

TRACT NO. 379

DESCRIPTION:

Fraction "D" of Fractional Section 7, Township 21 South, Range 2 East, Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

6.8 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 397 feet above mean sea level. An additional 2,2 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 404 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Syvilla B. Hulsey | Box 970, Route 8<br>Birmingham, Alabama (Pleasant Grove) |
| D. C. Hulsey, Sr. | Box 970, Route 8<br>Birmingham, Alabama (Pleasant Grove) |
| Owners Unknown | Names and Addresses Unknown |

BOOK 071 PAGE 221

'86 APR 1 PM 04 31

RECORDED
DEED 600
FILED

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$600

TRACT NO. 283

DESCRIPTION:

(a) A tract or parcel of land situated in Fractions "A" and "B" of Section 18, Township 20 South, Range 3 East, Talladega County, Alabama, being more particularly described as follows: Commence at the point of intersection of the Westerly boundary of the right of way of Birmingham-Childersburg Highway and the southerly low water mark of the Coosa River by what is known as the John T. Morgan Bridge; thence proceed Southeasterly and along the Westerly boundary of the right of way of said highway for 562.5 feet; thence turn an angle of 90 degrees to the right and proceed for 625.5 feet; thence turn an angle of 90 degrees to the right and proceed Northwesterly for 574 feet more or less to the low water mark of the Coosa River; thence proceed in a Northeasterly direction along the low water mark of the Coosa River for 625.5 feet more or less to the point of beginning.

(b) A tract or parcel of land situated in Fraction "A" of Section 18, Township 20 South, Range 3 East, Talladega County, Alabama, being more particularly described as follows: Commence at the point of intersection of the Easterly boundary of the right of way of the Birmingham-Childersburg Highway and the Southerly low water mark of the Coosa River; thence proceed Southeasterly along the Easterly boundary of said road 525 feet to a point; thence turn an angle of 90 degrees to the left and proceed 208.7 feet; thence turn an angle of 90 degrees to the left and proceed in a Northwesterly direction for 208.7 feet; thence turn an angle of 90 degrees to the right and proceed for 211.3 feet to a point on the Westerly boundary of the Central of Georgia Railroad; thence turn an angle of about 90 degrees to the left and proceed Northwesterly along the said railroad right of way for 316.3 feet to the low water mark on the Coosa River; thence proceed in a Southwesterly direction and along the low water mark of the Coosa River for 420 feet more or less to the point of beginning.

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ACREAGE TO BE AFFECTED:

1.1 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 399 feet above mean sea level. An additional 3.1 acres, more or less,

TRACT NO. 283 CONTINUED

of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 408 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| River Terrace Motel, Inc., a corporation | Childersburg, Alabama |
| Jack V. Billingsley | 22 Pinecrest<br>Childersburg, Alabama |
| Juanita E. Billingsley | 22 Pinecrest<br>Childersburg, Alabama |
| Opal E. Henderson | 1522 - 28th Street Ensley<br>Birmingham, Alabama |
| William Henderson | 1522 - 28th Street Ensley<br>Birmingham, Alabama |
| W. P. (Bill) Davis (Lessee) | Childersburg, Alabama |
| B. E. Burke (Mortgagee) | Old Sylacauga Highway<br>Childersburg, Alabama |
| Owners Unknown | Names and Addresses Unknown |

BOOK 071 PAGE 223

RECORDED IN ABOVE
DEED BOOK AT PAGE NO.
FILED FOR

'80 APR 3 AM 11 40

0531 0097

## TRACT NO. 292

DESCRIPTION:

A tract or parcel of land situated in the Southeast Quarter of Northwest Quarter (SE¼ of NW¼) of Section 17, Township 20 South, Range 3 East, Talladega County, Alabama, being more particularly described as follows: Commence at the Northwest corner of the Southeast Quarter of the Southwest Quarter (SE¼ of SW¼) of Section 17, and run in a Southerly direction along the West line of said quarter-quarter section a distance of 300 feet; thence turn an angle of 151 degrees 51 minutes to the left and run for a distance of 1391.09 feet; thence turn an angle of 8 degrees 01 minute to the left and run for a distance of 529.27 feet; thence turn an angle of 83 degrees 54 minutes to the left and run for a distance of 58.87 feet to the point of beginning; thence from such point of beginning, turn an angle of 14 degrees 05 minutes to the right and run for a distance of 100 feet; thence turn an angle of 75 degrees 55 minutes to the right and run for a distance of 136 feet; thence turn an angle of 104 degrees 05 minutes to the right and run for a distance of 100 feet; thence turn an angle of 75 degrees 55 minutes to the right and run for a distance of 136 feet to the point of beginning.

BOOK 671 PAGE 224

FILED FOR RECORD
APR 3 1 11 AM '80
JUDGE OF PROBATE
TALLADEGA COUNTY, ALA.
1651
600

ACREAGE TO BE AFFECTED:

0.14 of an acre, more or less, of this tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 408 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| X James Boyd Smith | 3009 - 17th Street North<br>Birmingham, Alabama |
| X Myrtle Leona Smith | 3009 - 17th Street North<br>Birmingham, Alabama |
| X City Federal Savings and Loan Association (Mortgagee) | 2026 - 2nd Avenue North<br>Birmingham, Alabama |
| X O'Neal Homes, Inc. (Mortgagee) | Atlanta Highway (Irondale)<br>Birmingham, Alabama |

TRACT NO. 369

DESCRIPTION:

(a) Fraction "G" and Fraction "H", Section 20, Township 19 South, Range 3 East, Shelby County, Alabama, and all that part of the West Half of the Northwest Quarter ($W\frac{1}{2}$ of $NW\frac{1}{4}$) of Section 28, Township 19 South, Range 3 East, Shelby County, Alabama, lying West of the Coosa River, less and exeept 18 acres, more or less, on the South end thereof, now owned by Clide (Clyde) Glaze.

(b) Fractions "C", "D" and "F" of Section 29, Township 19 South, Range 3 East, Shelby County, Alabama, and Fraction "E" of Section 29, Township 19 South, Range 3 East, Shelby County, Alabama, less and except 22 acres, more or less, on the East side thereof now owned by Clide (Clyde) Glaze.

ACREAGE TO BE AFFECTED:

5.5 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 402 feet above mean sea level. An additional 7.3 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 408 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| R. T. McGraw | Box 54, Vincent, Alabama |
| Lallouise McGraw | Box 54, Vincent, Alabama |
| James C. McGraw | Box 54, Vincent, Alabama |
| Mrs. S. E. McGraw (Mortgagee) | Vincent, Alabama |
| Owners Unknown | Names and Addresses Unknown |

BOOK 071 PAGE 225

04 JUN 30 PM 3:58 RECEIVED AND RECORDED

0531 0099

TRACT NO. 393

DESCRIPTION:

The Southwest Quarter of the Southwest Quarter (SW¼ of SW¼) of Section 12, Township 19 South, Range 2 East, Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

1.4 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 403 feet above mean sea level. An additional 9.7 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 408 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| T. W. Bell | Box 141, Vincent, Alabama |
| Louise T. Bell | Box 141, Vincent, Alabama |
| Owners Unknown | Names and Addresses Unknown |

BOOK 071 PAGE 226

0531 0107

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TRACT NO. 510

DESCRIPTION:

(a) A part of Fraction "A" of Section 22, Township 20 South, Range 2 East, a part of the Northeast one-fourth of the Northeast one-fourth and a part of the Southeast one-fourth of the Northeast one-fourth of Section 27, Township 20 South, Range 2 East, Talladega County, Alabama, being more particularly described as follows, to-wit: Commence at the Southeast corner of Section 22, Township 20 South, Range 2 East, Talladega County, Alabama, as a point of beginning; from this beginning point proceed North 1 degree 30 minutes West along the East boundary of said section and along the East boundary of said Fraction "A" of said section for a distance of 1419.5 feet to a point on the South side of Coosa River; thence proceed Northwesterly along the Southerly side of said river for a distance of 1425 feet, more or less, to its point of intersection with the West boundary of said Fraction "A" of said section; thence proceed South 1 degree 30 minutes East along the West boundary of said Fraction "A" of said section for a distance of 1818 feet to a point in the center of a county dirt road; thence proceed Southeasterly along the meander of said county road for a distance of 2421.1 feet, more or less, to a point on the East boundary of the Southeast one-fourth of the Northeast one-fourth of Section 27, Township 20 South, Range 2 East, this point being North 1 degree 30 minutes West of and 833.0 feet from the Southeast corner of the said Southeast one-fourth of the Northeast one-fourth of said Section 27; thence proceed North 1 degree 30 minutes West along the East boundaries of the Southeast one-fourth of the Northeast one-fourth and the Northeast one-fourth of the Northeast one-fourth of said Section 27 for a distance of 1790.5 feet to the point of beginning.

BOOK 371 PAGE 227

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JUDGE OF PROBATE

(b) All that part of Fraction B of Section 22, Township 20 South, Range 2 East, Talladega County, Alabama, lying East of the existing fences and West of the West line of Fraction "A" of said Section, Township, and Range.

ACREAGE TO BE AFFECTED:

2.3 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 398 feet above mean sea level. An additional 10.8 acres, more or less, of such tract

TRACT NO. 510 CONTINUED

will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 407 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Dr. Joseph L. Butler, as trustee under the last Will and Testament of Hulda Ludwig Chase, deceased | 27 Fairway Drive, Birmingham, Alabama |
| Margaret P. Butler, as trustee under the last Will and Testament of Hulda Ludwig Chase, deceased | 27 Fairway Drive, Birmingham, Alabama |
| Owners Unknown | Names and Addresses Unknown |

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'98 MAY 1 AM 8 41

BOOK 071 PAGE 228

TRACT NO. 271

DESCRIPTION:

Fractions "A" and "B" and West Half of Northeast Quarter ($W\frac{1}{2}$ of $NE\frac{1}{4}$) of Section 8, Township 21 South, Range 2 East, situated in Talladega County, Alabama.

ACREAGE TO BE AFFECTED:

11.5 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 397 feet above mean sea level. An additional 8.6 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 404 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| M. R. Kirkland, et ux | 310 West Almond Street<br>Tuscumbia, Alabama |
| Charles T. Joyce (Lessee) | Route 1, Columbiana, Alabama |
| Gladys Joyce (Lessee) | Route 1, Columbiana, Alabama |

'86 APR 1 PM 3 41

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AND RECORDED
PAGE NO.

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BOOK 071 PAGE 229

## TRACT NO. 280

DESCRIPTION:

The West Half of Southwest Quarter of Section 19, Township 20 South, Range 3 East; also, all that part of the Northwest Quarter of the Northwest Quarter (NW¼ of NW¼) of Section 30, Township 20 South, Range 3 East that lies North of Southern Railway right of way; also, the Southeast Quarter of Section 24, Township 20 South, Range 2 East; also, Fraction "C" of Section 24, Township 20 South, Range 2 East; also the North Half of the Northeast Quarter (N½ of NE¼) and the Northeast Quarter of Northwest Quarter (NE¼ of NW¼) of Section 25, Township 20 South, Range 2 East; all situated in Talladega County, Alabama.

ACREAGE TO BE AFFECTED:

2.2 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 399 feet above mean sea level. An additional 18 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 407 feet above mean sea level.

FILED FOR RECORD
APR 30 1971
at 3 o'clock P.M.
RECORDED
0531
0104

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| John L. Bryant | 104 Prinston Drive, Childersburg, Alabama |
| Gurther Bryant | 104 Prinston Drive, Childersburg, Alabama |
| Owners Unknown | Names and Addresses Unknown |

BOOK 071 PAGE 230

TRACT NO. 247

DESCRIPTION:

(a) The Southwest Quarter of the Northwest Quarter (SW¼ of NW¼) of Section 21, Township 20 South, Range 3 East, Talladega County, Alabama.

(b) All that part of the East Half of the Northwest Quarter (E½ of NW¼) of Section 21, Township 20 South, Range 3 East, Talladega County, Alabama that lies West of Griffin Branch.

(c) All that part of the North Half of the Southwest Quarter (N½ of SW¼) of Section 21, Township 20 South, Range 3 East, Talladega County, Alabama, that lies West of Griffin Branch and North of a public road, less and except a tract or parcel of land described as follows: Begin 379 feet West from the center of Griffin Branch to the Southwest Corner of the lot formerly owned by J. R. Campbell, at a point on the North boundary line of a public road; thence West along the North boundary of said road 418 feet; thence North 420 feet; thence East 418 feet; thence South 420 feet to the point of beginning.

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ACREAGE TO BE AFFECTED:

1.8 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 399 feet above mean sea level. An additional 16.8 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 408 feet above mean sea level.

BOOK 071 PAGE 231

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Inez Boaz | 400 Southern, Childersburg, Alabama |
| Mary Walden Boaz | 400 Southern, Childersburg, Alabama |
| Ethel B. Phillips | 503 Green Street<br>Alexander City, Alabama |
| Otis G. Phillips | 503 Green Street<br>Alexander City, Alabama |
| Edna B. Parson | 602 6th Avenue South West<br>Childersburg, Alabama |
| Floyd J. Parson | 602 6th Avenue South West<br>Childersburg, Alabama |
| Oliver Boaz | Hill Street, Smyrna, Georgia |
| Virginia Boaz | Hill Street, Smyrna, Georgia |
| Owners Unknown | Names and Addresses Unknown |

TRACT NO. 408-3

DESCRIPTION:

The Southwest Quarter of Northeast Quarter (SW¼ of NE¼) of Section 32, Township 20 South, Range 2 East, Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

20.3 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 398 feet above mean sea level. An additional 10 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 406 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Clarice W. Luck | Columbiana, Alabama |
| Ruth L. Gordon | Columbiana, Alabama |
| H. M. Gordon | Columbiana, Alabama |
| Owners Unknown | Names and Addresses Unknown |

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0531 0106

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14

TRACT NO. 374

DESCRIPTION:

(a) South Half of Southeast Quarter (S½ of SE¼); East Half of Northwest Quarter of Southeast Quarter (E½ of NW¼ of SE¼) and the Northeast Quarter of Southeast Quarter (NE¼ of SE¼) of Section 1, Township 19 South, Range 2 East; also, the East Half of Northeast Quarter (E½ of NE¼) of Section 12, Township 19 South, Range 2 East; all in Shelby County, Alabama.

(b) All of Fractional Section 7, Township 19 South, Range 3 East lying West of Coosa River, St. Clair County, Alabama.

ACREAGE TO BE AFFECTED:

9.8 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 403 feet above mean sea level. An additional 18 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 408 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| James O. Gorman | Vincent, Alabama |
| Monteen Gorman | Vincent, Alabama |
| Owners Unknown | Names and Addresses Unknown |

BOOK 071 PAGE 233
0531 0107
RECORDED 1985 DEC 11 PM 3:13
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## TRACT NO. 496

DESCRIPTION:

The East Half of the Northeast Quarter (E½ of NE¼) and 29.14 acres on the east side of the northeast three-fourths (NE 3/4) of the West Half of the Northeast Quarter (W½ of NE¼), and 12.96 acres in the Northeast corner of the southeast fractional one-fourth and bounded on the west by a branch known as the Brasher Branch, and on the south by Coosa River, all being in Section 13, Township 21 South, Range 1 East. Also 41.01 acres on the west side of the Northwest Quarter (NW¼) and 13.24 acres on the west side of fractional southwest quarter and being bounded on the south by Coosa River, and being in Section 18, Township 21 South, Range 2 East, all of the above being in Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

71.2 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 397 feet above mean sea level. An additional 14.4 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 401 feet above mean sea level.

STATE OF ALABAMA SHELBY COUNTY I CERTIFY THIS INSTRUMENT WAS FILED 1971 SEP 15 AM 8:01 0531 0108

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Mrs. Talioferro Parker | Route 1, Harpersville, Alabama |
| Dorothy Parker | Route 1, Harpersville, Alabama |
| Will A. Parker | 5612 Crestwood Blvd.<br>Birmingham, Alabama |
| Carrie Bell Parker | 5612 Crestwood Blvd.<br>Birmingham, Alabama |
| Catherine P. Hoynes | 5922 Julian Avenue<br>Indianapolis, Indiana |
| L. L. Hoynes | 5922 Julian Avenue<br>Indianapolis, Indiana |
| Owners Unknown | Names and Addresses Unknown |

BOOK 071 PAGE 234

## TRACT NO. 512

DESCRIPTION:

(a) A part of the Southeast Quarter of the Northeast Quarter (SE¼ of NE¼), a part of the Northeast Quarter of the Northeast Quarter (NE¼ of NE¼), a part of Fraction "A" and all of Fraction "B", all in Section 27, Township 20 South, Range 2 East, Talladega County, Alabama, and also a part of Fraction "A" of Section 22, Township 20 South, Range 2 East, Talladega County, Alabama, said above described land being more particularly described as follows, to-wit: Commence at the Southeast corner of the Southeast Quarter of the Northeast Quarter (SE¼ of NE¼) of Section 27, Township 20 South, Range 2 East, as a point of beginning; from this beginning point proceed North 1 degrees 30 minutes West along the East boundary of said quarter-quarter section for a distance of 833.0 feet to a point in the center of a county dirt road; thence proceed Northwesterly along the meander of said road for a distance of 2421.1 feet more or less, to a point that is North 1 degrees 30 minutes West of and 97.0 feet from the Northeast corner of Fraction "A"; thence proceed South 1 degree 30 minutes East for a distance of 97.0 feet to the Northeast corner of said Fraction "A"; thence proceed South 88 degrees 30 minutes West along the North boundary of said Fraction "A" for a distance of 3330.3 feet to a point; thence proceed South 1 degree 30 minutes East for a distance of 277.2 feet to a point; thence proceed South 88 degrees 30 minutes West parallel to the North boundary of said Fraction "A" for a distance of 1260 feet to a point on the Easterly bank of Coosa River; thence proceed Southeasterly along the Easterly bank of said River for a distance of 2680 feet, more or less, to its point of intersection with the South boundary of Fraction "B"; thence proceed North 87 degrees 31 minutes East along the South boundary of Fraction "B" and along the South boundary of the Southeast Quarter of the Northeast Quarter (SE¼ of NE¼) for a distance of 2755.0 feet to the point of beginning.

(b) All that part of Fraction "B" of Section 22, and that part of Fraction "A" of Section 27, Township 20 South, Range 2 East, Talladega County, Alabama, that lies between the lands described in subparagraph (a) above and existing fences.

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TRACT NO. 512 CONTINUED

ACREAGE TO BE AFFECTED:

9.5 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 398 feet above mean sea level. An additional 20.2 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 407 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Joseph L. Butler | 27 Fairway Drive, Birmingham, Alabama |
| Margaret P. Butler | 27 Fairway Drive, Birmingham, Alabama |
| Owners Unknown | Names and Addresses Unknown |

BOOK 071 PAGE 236

0531 0110

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FILE NO.

TRACT NO. 348-1 & 2

DESCRIPTION:

That part of the Southwest Quarter of Section 16, Township 20 South, Range 2 East, lying North of State Highway No. 76; also, the East Half of Northeast Quarter (E½ of NE¼) of Section 20, Township 20 South, Range 2 East; also, the Southwest Quarter of Southwest Quarter (SW¼ of SW¼) of Section 28, Township 20 South, Range 2 East; also, all that part of the West Half of Northeast Quarter (W½ of NE¼)of Section 33, Township 20 South, Range 2 East, lying North of the Southern Railway right of way; also, all that part of the East Half of Northwest Quarter (E½ of NW¼) of Section 33, Township 20 South, Range 2 East, lying North of the Southern Railway right of way; all being situated in Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

9.04 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 398 feet above mean sea level. An additional 20.9 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 406 feet above mean sea level.

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NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Janie W. Wallace | Asbury Acres Rest Home<br>Maryville, Tennessee |
| Owners Unknown | Names and Addresses Unknown |

TRACT NO. 287-1, 2 & 3

DESCRIPTION:

(a) A tract or parcel of land in Fractions "B" and "C" and the Northeast Quarter of Southwest Quarter (NE¼ of SW¼) of Section 17, Township 20 South, Range 3 East, Talladega County, Alabama being more particularly described as follows: Commence at the Northeast Corner of the Southwest Quarter of the Southwest Quarter (SW¼ of SW¼) of Section 17, Township 20 South, Range 3 East, thence South along the East line of said Southwest Quarter of Southwest Quarter (SW¼ of SW¼) 98.23 feet to a point on the Southeast line of Lot 18 of Block 2 of Pinewood Terrace, Inc., a Subdivision, as shown by Plat Book 3, Page 45, Talladega County, Alabama; thence in a Northeasterly direction along the Southeast line of Block 2, 3 and 4 of said Pinewood Terrace, Inc., a Subdivision, 797.16 feet more or less to the Northeast Corner of Lot 2 of Block 4 of said Pinewood Terrace, Inc., to the point of beginning of the land herein described; from such point of beginning turn an angle to the left of 71 degrees 26 minutes and proceed along the Northeast line of Lots 2, 3, 4 and 5 of Block 4 of said Pinewood Terrace, Inc., a distance of 297.8 feet; thence turn an angle of 52 degrees 27 minutes to the left and proceed along the North line of Block 4 of said Pinewood Terrace, Inc., for 1265.08 feet to the Northwest Corner of said Pinewood Terrace, Inc.; thence continue along the same course in a straight line to the West line of said Section 17, Township 20 South, Range 3 East; thence North along the West line of said Section 17 to Coosa River; thence Northeasterly along the South Bank of Coosa River to Tallaseehatchee Creek; thence in a Southeasterly direction along the meanderings of Tallaseehatchee Creek to its intersection with Access Road (Childersburg-Alabama Ordnance Work Road); thence in a Southwesterly direction along the Northwest line of said Access Road to the point of beginning; less and except 3 tracts or parcels of land described as follows:

EXCEPTION ONE: Begin at the intersection of the Southwest Bank of Tallaseehatchee Creek and the Northwest side of Access Road (Childersburg-Alabama Ordnance Work Road) and run Northwesterly along the Southwest Bank of said Creek a distance of 315 feet; thence in

BOOK 071 PAGE 238

TRACT NO. 287-1, 2 & 3 CONTINUED

a Southwesterly direction and parallel with said Access Road a distance of 420 feet; thence in a Southeasterly direction and parallel with said Creek a distance of 315 feet to the Northwest right-of-way of the said Access Road; thence run in a Northeasterly direction and along said right-of-way a distance of 420 feet to the point of beginning.

EXCEPTION TWO: Commence at a point situated in Fraction "B" of said Section 17 where the West Bank of Tallaseehatchee Creek intersects the North side of Access Road and run in a Northwesterly direction along the West Bank of said Creek for a distance of 315 feet, more or less, to the Northeast Corner of lands formerly owned by Pearl C. Bailey and husband W. C. Bailey and the point of beginning of the Tract or Parcel of land herein excepted. From such point of beginning which is on the low water mark of Tallaseehatchee Creek; run in a Southwesterly direction parallel with the West boundary line of said Access Road and along the boundary of lands formerly owned by Pearl C. Bailey and W. C. Bailey for a distance of 200 feet; thence Northwesterly for a distance of 150 feet; thence Northeasterly for a distance of 175 feet, more or less to the low water mark of said Tallaseehatchee Creek; thence Southeasterly along said Creek 150 feet more or less to the point of beginning.

BOOK 071 PAGE 239

RECORDED 1983 DEC 20 PM 2:13 OFFICIAL RECORDS LEON CO. FLA. 951 013

EXCEPTION THREE: Starting at the Northeast Corner of the Southwest Quarter of Southwest Quarter (SW¼ of SW¼), Section 17, Township 20 South, Range 3 East, proceed west along the North boundary of the Southwest Quarter of Southwest Quarter for a distance of 1171.80 feet, said point being the intersection of the South and West limits of subdivision known as Pinewood Terrace, Inc., thence an angle of 104 degrees 38 minutes to the right for a distance of 695.62 feet to the Northwest Corner of Pinewood Terrace, Inc., a Subdivision; thence an angle of 77 degrees 33 minutes to the right for a distance of 7.59 feet; thence an angle to the left of 82 degrees 29 minutes for a distance of 302.49 feet; thence an angle of 59 degrees 52 minutes to the left for a distance of 191.0 feet to a point of beginning on a square parcel measuring 100 feet on each side; thence an angle of 90 degrees right for a distance of 50.0 feet; thence an angle to the left of 90 degrees for a distance of 100.0

TRACT NO. 287-1, 2 & 3 CONTINUED

feet; thence an angle of 90 degrees to the left for a distance of 100.0 feet; thence an angle to the left of 90 degrees for a distance of 100.0 feet; thence an angle to the left of 90 degrees for a distance of 50.0 feet to the point of beginning.

(b) A tract or parcel of land in the Southwest Quarter of the Northeast Quarter (SW¼ of NE¼) and the Southeast Quarter of Northwest Quarter (SE¼ of NW¼) of Section 17, Township 20 South, Range 3 East, Talladega County, being more particularly described as follows: Commence at the Southwest corner of the North Half of the Northwest Quarter of the Southeast Quarter (N½ of NW¼ of SE¼) of Section 17, Township 20 South, Range 3 East; thence turn an angle of 8 degrees 59 minutes to the right from the West boundary of said Northwest Quarter of Southeast Quarter (NW¼ of SE¼) and proceed Northerly for 284.4 feet to a point of intersection of the Northerly right-of-way line of Central of Georgia Railroad spur tract and East boundary of a paved street; thence proceed Northerly along the East boundary of said street for 200 feet to the point of beginning; thence turn an angle of 58 degrees 23 minutes to the right and proceed Northeasterly for 376.15 feet more or less to Tallaseehatchee Creek; thence Northwesterly along the meanderings of Tallaseehatchee Creek to its intersection with Childersburg-Alabama Ordnance Work Road; thence Southwesterly along the Southeast right of way line of Childersburg-Alabama Ordnance Work Road to its intersection with said paved street; thence in a Southerly direction along said paved street to the point of beginning.

(c) Lots 4, 5, 6, 7, 12, 13, 14, 15 and 16 of Block 6 and Lot 12 of Block 9 of the W. L. Bates addition to Childersburg, Alabama as shown by map or plat of record in Plat Book 2, page 36 in Office of Judge of Probate, Talladega County, Alabama.

BOOK 071 PAGE 240

FILED FOR RECORD 3 PM 1971 SEP 23 AM 8:45 JUDGE OF PROBATE 011

ACREAGE TO BE AFFECTED:

1.8 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 399 feet above mean sea level. An additional 26.64 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 408 feet above mean sea level.

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TRACT NO. 287-1, 2 & 3 CONTINUED

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| W. L. Bates | Route 3<br>Union Springs, Alabama |
| Jessie Bates | Route 3<br>Union Springs, Alabama |
| Owners Unknown | Names and Addresses Unknown |

BOOK 071 PAGE 241

0531 0115

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'86 APR 1 PM 3 42

## TRACT NO. 249

DESCRIPTION:

The West half of the Southwest Quarter (W½ of SW¼) of Section 22, Township 20 South, Range 3 East, also, the Southeast Quarter of the Southwest Quarter (SE¼ of SW¼) of Section 22, Township 20 South, Range 3 East; also, the East Half of the East Half of the Southeast Quarter (E½ of E½ of SE¼) of Section 21, Township 20 South, Range 3 East, all situated in Talladega County, Alabama.

ACREAGE TO BE AFFECTED:

31.4 acres, more or less, of this tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 408 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| J. C. Frangopoales | P. O. Box 335, Childersburg, Alabama |
| Helen Frangopoales | P. O. Box 335, Childersburg, Alabama |
| Katherine F. Commander | Childersburg, Alabama |
| L. F. Commander | Childersburg, Alabama |
| Owners Unknown | Names and Addresses Unknown |

BOOK 671 PAGE 242

0531

0116

TRACT NO. 375

DESCRIPTION:

The Southwest Quarter of Southwest Quarter (SW¼ of SW¼) of Section 1, Township 19 South, Range 2 East; also, the South Half of the Southeast Quarter of Southwest Quarter (S½ of SE¼ of SW¼) of Section 1, Township 19 South, Range 2 East; also, the Northwest Quarter of Northeast Quarter (NW¼ of NE¼) of Section 13, Township 19 South, Range 2 East; also, the Northwest Quarter of Section 12, Township 19 South, Range 2 East; also, the North Half of Southwest Quarter (N½ of SW¼) of Section 12, Township 19 South, Range 2 East; also, the Southeast Quarter of Southwest Quarter (SE¼ of SW¼) of Section 12, Township 19 South, Range 2 East; also, the West Half of Northeast Quarter (W½ of NE¼) of Section 12, Township 19 South, Range 2 East; also, all that part of the Southeast Quarter of Section 12, Township 19 South, Range 2 East lying North of the Atlantic Coast Line Railway right of way; all of the above described lands being situated in Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

21 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 403 feet above mean sea level. An additional 30.1 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 408 feet above mean sea level.

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NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| J. M. Rowe | Route 1, Vincent, Alabama |
| Lorraine Rowe | Route 1, Vincent, Alabama |
| Owners Unknown | Names and Addresses Unknown |

## TRACT NO. 349

DESCRIPTION:

The Northeast Quarter of Southwest Quarter (NE¼ of SW¼) and the Northwest Quarter of Southeast Quarter (NW¼ of SE¼) of Section 29, Township 20 South, Range 2 East; also, all that part of the Southwest Quarter of Southeast Quarter (SW¼ of SE¼) of Section 29, Township 20 South, Range 2 East lying North and West of State Highway No. 25; also, the East Half of East Half of Southeast Quarter of Southwest Quarter (E½ of E½ of SE¼ of SW¼) of Section 29, Township 20 South, Range 2 East lying North of State Highway No. 25; all in Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

8.9 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 398 feet above mean sea level. An additional 37.1 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 406 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

Blanche C. Weldon — 7711 Saxon Drive, Huntsville, Alabama

Owners Unknown — Names and Addresses Unknown

BOOK 071 PAGE 244

FILED FOR RECORD
AUG 13 1968
AUG 13 1968
JUDGE OF PROBATE
SHELBY COUNTY, ALA.
8:10 A.M.

TRACT NO. 209-3

DESCRIPTION:

The East Half of the Southeast Quarter (E½ of SE¼) and the Southeast Quarter of the Northeast Quarter (SE¼ of NE¼), Fraction B; Fraction C and that part of Fraction D lying North of Heaslett Branch; all in Section 17, Township 21 South, Range 2 East, Talladega County, Alabama.

ACREAGE TO BE AFFECTED:

57 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 397 feet above mean sea level. An additional 37.5 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 403 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Carroll Vann Goodner, Jr. | 1540 Mims Avenue, Birmingham, Alabama |
| Bobbye Ann Goodner | 1540 Mims Avenue, Birmingham, Alabama |
| Owners Unknown | Names and Addresses Unknown |

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BOOK 071 PAGE 245

## TRACT NO. 502

DESCRIPTION:

Begin at intersection of Coosa River with West line of Section 24, Township 20 South, Range 2 East and on North bank of said river; thence run up River 51.88 chains to a fence; thence North 61 degrees West along said fence 29.85 chains; thence North 20 degrees East 9.08 chains; thence North 33 degrees West 11 chains; thence South 68 degrees West 16.59 chains to West line of Section 13, Township 20 South, Range 2 East; thence South along West boundary of Section 13 and 24 for 53.33 chains to point of beginning; also, the North Half of Northeast Quarter (N½ of NE¼), Section 23, Township 20 South, Range 2 East; all of the above being in Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

9 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 399 feet above mean sea level. An additional 38.4 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 407 feet above mean sea level.

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NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Elizabeth Chancellor Graham | Route 1, Harpersville, Alabama |
| Owners Unknown | Names and Addresses Unknown |

BOOK 671 PAGE 246

## TRACT NO. 372

DESCRIPTION:

(a) The South Half of the Southeast Quarter (S½ of SE¼) of Section 15, Township 20 South, Range 2 East, Shelby County, Alabama, less and except 10 acres of even width off the East side thereof.

(b) The Southeast Quarter (SE¼) of Section 15, Township 20 South, Range 2 East, Shelby County, Alabama, less and except 1 acre, more or less described as follows: a part of the Southeast Quarter of the Southeast Quarter (SE¼ of SE¼) of Section 16, Township 20 South, Range 2 East more particularly described as follows: Commence at the Southwest corner of the Southeast Quarter of said Section 16; thence North 0 degrees 37 minutes East 1109.40 feet; thence turn an angle of 92 degrees 42 minutes to the right and run South 87 degrees 55 minutes East 2067.80 feet; thence turn an angle of 90 degrees 00 minutes to the left and run North 2 degrees 05 minutes East 28.7 feet to a point on the North right of way line of State Highway No. 76 and the point of beginning of the lands herein excepted; thence continue North 2 degrees 05 minutes East 210.0 feet; thence turn an angle of 90 degrees 00 minutes to the right and run South 87 degrees 55 minutes East 210 feet; thence turn an angle of 90 degrees 00 minutes to the right and run South 02 degrees 05 minutes West 210 feet to a point on the North right of way line of said Highway; thence turn an angle of 90 degrees 00 minutes to the right and run North 87 degrees 55 minutes West along the North right of way line of said Highway 210 feet to the point of beginning.

STATE OF ALABAMA
SHELBY COUNTY
I CERTIFY THIS INSTRUMENT WAS FILED
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BOOK
0531 0121

BOOK 671 PAGE 247

ACREAGE TO BE AFFECTED:

15.9 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 398 feet above mean sea level. An additional 41 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 407 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Pauline Logan | Route 1, Harpersville, Alabama |
| Audrey Logan | Route 1, Harpersville, Alabama |
| John Thomas Logan | Route 1, Harpersville, Alabama |

TRACT NO. 372 CONTINUED

| | |
|---|---|
| Ellie Logan | Route 1, Harpersville, Alabama |
| James Scott Logan | Route 1, Harpersville, Alabama |
| Mary Ann Logan Carter | 604-6th Avenue S. W., Childersburg, Ala. |
| William Carter | 604-6th Avenue S. W., Childersburg, Ala. |
| Mamie Logan | Harpersville, Alabama |
| Owners Unknown | Names and Addresses Unknown |

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'86 APR 1 AM 8 43
JUDGE OF PROBATE

## TRACT NO. 381-1 & 2

DESCRIPTION:

(a) The West Half of the Southwest Quarter of the Southwest Quarter ($W\frac{1}{2}$ of $SW\frac{1}{4}$ of $SW\frac{1}{4}$) and the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}$ of $SW\frac{1}{4}$), Section 29, Township 20 South, Range 2 East; also, the East Half of the Southeast Quarter ($E\frac{1}{2}$ of $SE\frac{1}{4}$) of Section 30, Township 20 South, Range 2 East; all of the above situated in Shelby County, Alabama.

(b) West Half of the East Half of Southwest Quarter of Southwest Quarter ($W\frac{1}{2}$ of $E\frac{1}{2}$ of $SW\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 29, Township 20 South, Range 2 East, Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

8.5 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 398 feet above mean sea level. An additional 62 acres, more or less of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 406 feet above mean sea level.

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1983 MAY 3 PM 3:48
071 PAGE 249
BOOK

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| W. F. Robertson | Route 2, Wilsonville, Alabama |
| Margaret B. Robertson | Route 2, Wilsonville, Alabama |
| The Federal Land Bank of New Orleans (Mortgagee) | New Orleans, Louisiana |
| Owners Unknown | Names and Addresses Unknown |

## TRACT NO. 362

DESCRIPTION:

The East Half of the Southeast Quarter (E½ of SE¼) of Section 25, Township 19 South, Range 2 East, less and except 7 acres, more or less, in the Southwest corner thereof, said 7 acres lying South and West of the branch; also, all that part of the South Half (S½) of Section 30, Township 19 South, Range 3 East, lying West of the Coosa River; also, all that part of the North Half (N½) of Section 31, Township 19 South, Range 3 East lying North and East of Locust Creek and West of Coosa River; all being situated in Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

12.9 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 400 feet above mean sea level. An additional 69.8 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 408 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Lynda E. Florey | Vincent, Alabama |
| Carleen Embry | Vincent, Alabama |
| Owners Unknown | Names and Addresses Unknown |

BOOK 071 PAGE 250

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JUDGE OF PROBATE

TRACT NO. 503-1, 2 & 3

DESCRIPTION:

(a) That part of the South Half (S½) of Section 13 and Fractional Section 24 of Township 20 South, Range 2 East, Shelby County, Alabama, lying North and West of Coosa River, less and except a parcel of land described as follows: Begin at intersection of Coosa River with West line of Section 24, Township 20 South, Range 2 East and on North bank of said river, thence run up river 51.88 chains to a fence, thence North 61 degrees West along said fence 29.85 chains, thence North 20 degrees East 9.08 chains; thence North 33 degrees West 11 chains; thence South 68 degrees West 16.59 chains to West line of Section 13, Township 20 South, Range 2 East, thence South along West boundary of Sections 13 and 24 for 53.33 chains to point of beginning.

(b) An island in the Coosa River situated in Section 18, Township 20 South, Range 3 East, and in Sections 13 and 24, Township 20 South, Range 2 East, said island being known as Prince Island and being situated in Shelby and Talladega Counties, Alabama.

(c) An island in the Coosa River situated in Sections 23 and 24, Township 20 South, Range 2 East, and known as Smith Island, being situated in Shelby County, Alabama.

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1968 APR 30 AM 8:30
JUDGE OF PROBATE
SHELBY COUNTY, ALA.
BOOK 071 PAGE 251

ACREAGE TO BE AFFECTED:

24.1 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 399 feet above mean sea level. An additional 82.8 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 407 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Elizabeth Chancellor Graham | Route 1, Harpersville, Alabama |
| Lee Chancellor | Route 1, Harpersville, Alabama |
| Owners Unknown | Names and Addresses Unknown |

TRACT NO. 383-3

DESCRIPTION:

The East Half of the Southeast Quarter(E½ of SE¼) of Section 29, Township 20 South, Range 2 East; also, the Northwest Quarter of the Southwest Quarter (NW¼ of SW¼) and the Southeast Quarter of the Northwest Quarter (SE¼ of NW¼) of Section 28, Township 20 South, Range 2 East; all in Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

26.4 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 398 feet above mean sea level. An additional 27.5 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 406 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

Dorothy W. Parker — Route 1, Harpersville, Alabama

Owners Unknown — Names and Addresses Unknown

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AS SHELBY CO. ALA.
0531 0126

BOOK 371 PAGE 252

TRACT NO. 244-1 & 2

DESCRIPTION:

(a) Commence at the Northeast Corner of the Southeast Quarter ($SE\frac{1}{4}$) of Section 15, Township 20 South, Range 3 East, Talladega County, Alabama; thence South along the East line of said Section a distance of 815 feet to a point on the line of an old hedgerow, said point being the point of beginning; from said point of beginning run in a Westerly direction along the line of said hedgerow and parallel to the North line of the Southeast Quarter of said Section 15 a distance of 1850 feet to a point; thence run South 13 degrees 00 minutes East to a point on the North bank of Tallaseehatchee Creek; run thence in a Northeasterly direction along the North bank of said Creek to its intersection with the East line of said Section 15; thence North along the East line of said Section 15 to the point of beginning; being situated in the North Half of the Northeast Quarter ($N\frac{1}{2}$ of $NE\frac{1}{4}$) of Section 22 and in the Southeast Quarter ($SE\frac{1}{4}$) of Section 15, all in Township 20 South, Range 3 East, Talladega County, Alabama.

(b) Fractions "K", "I", "G" and that part of Fraction "H" lying West of the Central of Georgia Railroad right-of-way, all in Section 18, Township 20 South, Range 3 East, Talladega County, Alabama.

(c) That part of the North Half of the North Half of Section 18, Township 20 South, Range 3 East, Talladega County, Alabama, that lies West of the Central of Georgia Railroad right-of-way.

(d) The South Half of the Northwest Quarter of Section 18, Township 20 South, Range 3 East, Talladega County, Alabama.

(e) That part of Section 7, Township 20 South, Range 3 East, Talladega County, Alabama, that lies West of the Central of Georgia Railroad right-of-way.

(f) That part of Section 6, Township 20 South, Range 3 East, Talladega County, Alabama, which lies West of the Central of Georgia Railroad right-of-way.

(g) The Northeast Quarter of Section 13, Township 20 South, Range 2 East, Talladega County, Alabama.

ACREAGE TO BE AFFECTED:

11.7 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 399 feet above mean sea level. An additional 30 acres, more or less, of such tract

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0531

TRACT NO. 244-1 & 2 CONTINUED

will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 408 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| John M. Hightower | Box 827, Sylacauga, Alabama |
| Bernice W. Hightower | Box 827, Sylacauga, Alabama |
| Martha Hightower Turner | Demopolis, Alabama |
| Joe Turner | Demopolis, Alabama |
| Lois Hightower Bridgwater | No.1 North Main Street<br>Sylacauga, Alabama |
| Jack Bridgwater | No.1 North Main Street<br>Sylacauga, Alabama |
| Neal Hightower Bridgwater | 1024 Vernon Drive, Glennview, Illinois |
| Gail Bridgwater | 1024 Vernon Drive, Glennview, Illinois |
| John Bridgwater | 2620 Central Street, Evanston, Illinois |
| Cindy Bridgwater | 2620 Central Street, Evanston, Illinois |
| Owners Unknown | Names and Addresses Unknown |

BOOK 071 PAGE 254
STATE OF ALABAMA
SHELBY COUNTY
I CERTIFY THIS INSTRUMENT WAS FILED
93 JAN 13 AM 8:43
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## TRACT NO. 341

DESCRIPTION:

The Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 17, Township 20 South, Range 2 East; also, the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 18, Township 20 South, Range 2 East; also, the West Half of the Southeast Quarter ($W\frac{1}{2}$ of $SE\frac{1}{4}$) of Section 18, Township 20 South, Range 2 East; also, the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}$ of $NE\frac{1}{4}$) of Section 18, Township 20 South, Range 2 East; also, the Southeast Quarter of Northwest Quarter ($SE\frac{1}{4}$ of $NW\frac{1}{4}$) of Section 18, Township 20 South, Range 2 East; also, the East Half of the East Half of the Northeast Quarter of the Southwest Quarter ($E\frac{1}{2}$ of $E\frac{1}{2}$ of $NE\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 18, Township 20 South, Range 2 East; also, 15 acres of uniform width off the South side of the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}$ of $NW\frac{1}{4}$) of Section 18, Township 20 South, Range 2 East; also, 15 acres of uniform width off the South side of the Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4}$ of $NE\frac{1}{4}$) of Section 18, Township 20 South, Range 2 East; also, the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4}$ of $NE\frac{1}{4}$) of Section 19, Township 20 South, Range 2 East; also, the East Half of Northwest Quarter of the Northeast Quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$ of $NE\frac{1}{4}$) of Section 19, Township 20 South, Range 2 East; all of the above being situated in Shelby County, Alabama.

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Judge of Probate
SHELBY COUNTY, ALABAMA

ACREAGE TO BE AFFECTED:

1.9 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 398 feet above mean sea level. An additional 99.7 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 406 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Carroll Vann Goodner, Jr | 1540 Mims Avenue, Birmingham, Alabama |
| Bobbye Ann Goodner | 1540 Mims Avenue, Birmingham, Alabama |
| Helen Goodner | 1140 Columbiana Road<br>Birmingham, Alabama |

TRACT NO. 341 CONTINUED

| | |
|---|---|
| Lillian Dillon | 3536 Country Club Road<br>Birmingham, Alabama |
| Hugh C. Dillon | 3536 Country Club Road<br>Birmingham, Alabama |
| Owners Unknown | Names and Addresses Unknown |

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BOOK 071 PAGE 256

## TRACT NO. 278

**DESCRIPTION:**

Fractions B, C, D, Section 22 and Fractions E and F Section 21, Township 20 South, Range 2 East; also, 10 acres in Fraction "A" of Section 27, Township 20 South, Range 2 East, which said 10 acres is more particularly described as follows: Begin at the one half mile post on the section line dividing Sections 22 and 27; thence South 4 chains and 20 links to a stake; thence West parallel with the section line to the East bank of the Coosa River; thence up the river to the section line; thence in an Easterly direction along the section line to the point of beginning; all in Talladega County, Alabama.

ACREAGE TO BE AFFECTED:

23.9 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 398 feet above mean sea level. An additional 99.8 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 407 feet above mean sea level.

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0131

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Morgie W. Morris | 309 West Walnut Street<br>Sylacauga, Alabama |
| Warren E. Morris | 309 West Walnut Street<br>Sylacauga, Alabama |
| Elizabeth Cash Morris | 309 West Walnut Street<br>Sylacauga, Alabama |
| E. J. Morris, Jr. | Route 3, Sylacauga, Alabama |
| Lucile A. Morris | Route 3, Sylacauga, Alabama |
| Willie G. Morris | Route 3, Sylacauga, Alabama |
| Ruth Young Morris | Route 3, Sylacauga, Alabama |
| Thomas R. Morris | Route 3, Sylacauga, Alabama |
| John J. Cosper | Childersburg, Alabama |

TRACT NO. 501

DESCRIPTION:

(a) All of fractional Section 23, Township 20 South, Range 2 East, Shelby County, Alabama, lying North of Coosa River, less and except the North Half of the Northeast Quarter (N½ of NE¼).

(b) All of Section 14, Township 20 South, Range 2 East, Shelby County, Alabama, less and except the North Half of Northeast Quarter (N½ of NE¼) and the Southeast Quarter of Northeast Quarter (SE¼ of NE¼).

(c) The Northwest Quarter of Section 11, Township 20 South, Range 2 East; also, the West Half of Southwest Quarter (W½ of SW¼) of Section 11, Township 20 South, Range 2 East; also, the South Half of Northeast Quarter (S½of NE¼) of Section 10, Township 20 South, Range 2 East; also, the Southeast Quarter of Section 10, Township 20 South, Range 2 East; also the East Half of Southwest Quarter (E½ of SW¼) of Section 10, Township 20 South, Range 2 East; all of the above being situated in Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

34.1 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 399 feet above mean sea level. An additional 121.5 acres, more or less of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 407 feet above mean sea level.

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071 PAGE 258
BOOK

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Charles Hubert Webb | Atlanta, Georgia |
| Frances W. Webb | Atlanta, Georgia |
| Eleanor Webb Hayt | Tampa, Florida |
| William B. Hayt, Jr. | Tampa, Florida |
| David Lawrence Webb | Orlando, Florida |
| Claudine T. Webb | Orlando, Florida |
| James Felton Little | R.F.D., Holtville, California |
| Pauline Little | R.F.D., Holtville, California |
| John Rudulph Little | Oklahoma City, Oklahoma |
| Ruby Little | Oklahoma City, Oklahoma |

TRACT NO. 501 CONTINUED

| | |
|---|---|
| Virginia Blount Watts | R.F.D., Holtville, California |
| Otis L. Watts | R.F.D., Holtville, California |
| Charlotte Louise Hammond | R.F.D., Howard, Ohio |
| John C. Hammond | R.F.D., Howard, Ohio |
| Leigh M. Clark | 1332 - 45th Street Belview Hgths. Birmingham, Alabama |
| Evelyn S. Clark | 1332 - 45th Street Belview Hgths. Birmingham, Alabama |
| C. Edward Clark | 1745 Mims Avenue, Birmingham, Alabama |
| Ruth F. Clark | 1745 Mims Avenue, Birmingham, Alabama |
| Elsie M. Clark | 2640-H Park Lane Court "E" Birmingham, Alabama |
| James Lewis Clark | 720 Crest Lane Homewood Birmingham, Alabama |
| Dorothy W. Clark | 720 Crest Lane Homewood Birmingham, Alabama |
| Charlotte Clark | Address Unknown |
| Julia Ann Wear | Springfield, Missouri |
| William H. Wear | Springfield, Missouri |
| Mary Leigh Schensnol | Address Unknown |
| John L. Schensnol | Address Unknown |
| Lucy Little Hammond | R.F.D., Danville, Ohio (Knox County) |
| C. Felton Little | 225 North Gay Street, Auburn, Alabama |
| Owners Unknown | Names and Addresses Unknown |

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RECORDED IN DEED BOOK 0531 PAGE 013

## TRACT NO. 272

DESCRIPTION:

(a) Fractional Section 32, Township 20 South, Range 2 East, Talladega County, Alabama, that lies South and East of Coosa River.

(b) Fractions "A", "B", "C", and "D", the Southeast Quarter ($SE\frac{1}{4}$), the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}$ of $NE\frac{1}{4}$) and 6 acres of even width on the West side of the East Half of the Northeast Quarter ($E\frac{1}{2}$ of $NE\frac{1}{4}$), all in Section 5, Township 21 South, Range 2 East, Talladega County, Alabama.

ACREAGE TO BE AFFECTED:

52.3 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 398 feet above mean sea level. An additional 135.9 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 405 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| X Laurie Oden, as Executrix of the Estate of Eliza A. Oden | 3633 Cliff Road<br>Birmingham, Alabama |
| X Laurie Oden | 3633 Cliff Road<br>Birmingham, Alabama |
| X A. Key Foster, Jr. | 12th Floor, 600 North 18th Street<br>Birmingham, Alabama |
| X Vonceil Foster Coleman | 3844 Glencoe Drive<br>Birmingham, Alabama |
| X John J. Coleman, Jr. | c/o Bradley, Arant, Rose & White<br>Brown Marx Building<br>Birmingham, Alabama |
| X J. Rowan Oden | 2920 Argyle Road<br>Birmingham, Alabama |
| X Alice Oden Ford | 3633 Cliff Road<br>Birmingham, Alabama |
| X Dr. V. W. Heard | Fayetteville Road, Route 1<br>Childersburg, Alabama |
| X Barbara Heard | Fayetteville Road, Route 1<br>Childersburg, Alabama |
| Owners Unknown | Names and Addresses Unknown |

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BOOK 071 PAGE 269

## TRACT NO. 354

**DESCRIPTION:**

The Northeast Quarter of Northwest Quarter (NE¼ of NW¼) of Section 28, Township 20 South, Range 2 East; also, the Northeast Quarter of Section 28, Township 20 South, Range 2 East; also, the North Half of the Southeast Quarter (N½ of SE¼) of Section 28, Township 20 South, Range 2 East; also, the Southeast Quarter of Southeast Quarter (SE¼ of SE¼) of Section 28, Township 20 South, Range 2 East; also, the South Half of the Southwest Quarter of Southeast Quarter (S½ of SW¼ of SE¼) of Section 28, Township 20 South, Range 2 East; also, the East Half of the Northeast Quarter (E½ of NE¼) of Section 33, Township 20 South, Range 2 East; also, all that part of Section 34, Township 20 South, Range 2 East, lying West of Coosa River; also, all that part of Fractional Section 27, Township 20 South, Range 2 East, lying West of Coosa River; also, all that part of Section 22, Township 20 South, Range 2 East lying West of Coosa River; all being situated in Shelby County, Alabama.

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**ACREAGE TO BE AFFECTED:**

38.3 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 398 feet above mean sea level. An additional 160.1 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 407 feet above mean sea level.

**NAMES AND ADDRESSES OF OWNERS:**

| | |
|---|---|
| Elizabeth B. Cosby | Columbiana, Alabama |
| Dan Cosby | Columbiana, Alabama |
| Owners Unknown | Names and Addresses Unknown |

VOL 144 PAGE 151

TRACT NO. 500

DESCRIPTION:

The Northwest Quarter; the Northeast Quarter; the Southeast Quarter; the North one-half of the Southwest Quarter; and 10 acres taken evenly off the East side of the South one-half of the Southwest Quarter, all lying and being in Section 15, Township 20 South, Range 2 East, and also all of Fractional Section 22; Township 20 South, Range 2 East, lying North and East of Coosa River; all in Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

32.7 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 398 feet above mean sea level. An additional 261 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 407 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Cloverleaf Creamery Company, a Corporation | %James M. Kidd, President<br>3330 - 10th Avenue North<br>Birmingham, Alabama |
| Owners Unknown | Names and Addresses Unknown |

0531 0136

BOOK 071 PAGE 262

TRACT NO. 342

DESCRIPTION:

The Northwest Quarter (NW¼) of Section 17, Township 20 South, Range 2 East; also, the North Half of Southwest Quarter (N½ of SW¼) of Section 17, Township 20 South, Range 2 East; also, the East Half of Northeast Quarter (E½ of NE¼) of Section 18, Township 20 South, Range 2 East; also, the Northeast Quarter of Southeast Quarter (NE¼ of SE¼), Section 18, Township 20 South, Range 2 East; also, the North 25 acres of uniform width of the Northwest Quarter of Northeast Quarter (NW¼ of NE¼) of Section 18, Township 20 South, Range 2 East; also, the North 25 acres of uniform width of the Northeast Quarter of Northwest Quarter (NE¼ of NW¼) of Section 18, Township 20 South, Range 2 East; also, the West Half of the Northwest Quarter (W½ of NW¼) of Section 18, Township 20 South, Range 2 East; all in Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

19 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 398 feet above mean sea level. An additional 161.8 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 406 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Birmingham Trust National Bank, as Trustee | 112 North 20th Street<br>Birmingham, Alabama |
| J. W. Goodwin, as Trustee | 2111 - 7th Avenue South<br>Birmingham, Alabama |
| Joy Elizabeth Goodwin, a minor under the age of 14 years | %J. W. Goodwin<br>3248 East Briarcliff Circle<br>Birmingham, Alabama |
| Owners Unknown | Names and Addresses Unknown |

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'86 APR
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BOOK 071 PAGE 263

TRACT NO. 350-1 & 2

DESCRIPTION:

(a) That part of the South Half of the Southeast Quarter of Northwest Quarter ($S\frac{1}{2}$ of $SE\frac{1}{4}$ of $NW\frac{1}{4}$) of Section 33, Township 20 South, Range 2 East lying South of the Southern Railway right of way; also, that part of the South Half of the Southwest Quarter of Northeast Quarter ($S\frac{1}{2}$ of $SW\frac{1}{4}$ of $NE\frac{1}{4}$) of Section 33, Township 20 South, Range 2 East lying South of the Southern Railway right of way; also, that part of Fraction "K" lying South of the Southern Railway right of way in Section 33, Township 20 South, Range 2 East; also, Fractions "L", "M" and "N" in Section 33, Township 20 South, Range 2 East; all being in Shelby County, Alabama.

(b) All of Section 21, Township 20 South, Range 2 East lying West of Coosa River; also, all that part of the South Half of Southwest Quarter of Section 16, Township 20 South, Range 2 East lying South of State Highway No. 76; also, all of the East Half of Section 20, Township 20 South, Range 2 East less and except the East Half of the Northeast Quarter ($E\frac{1}{2}$ of $NE\frac{1}{4}$), and also less and except two acres, more or less, in the Northeast corner of the Southwest Quarter of Northeast Quarter ($SW\frac{1}{4}$ of $NE\frac{1}{4}$) belonging to the Scott's Grove Baptist Church; also, the West Half of the Northwest Quarter ($W\frac{1}{2}$ of $NW\frac{1}{4}$) of Section 28, Township 20 South, Range 2 East; also, the East Half of the Southwest Quarter ($E\frac{1}{2}$ of $SW\frac{1}{4}$) of Section 28, Township 20 South, Range 2 East; also, East Half of Northeast Quarter ($E\frac{1}{2}$ of $NE\frac{1}{4}$) of Section 29, Township 20 South, Range 2 East; also, all that part of the Southwest Quarter of Northeast Quarter ($SW\frac{1}{4}$ of $NE\frac{1}{4}$) of Section 29, Township 20 South, Range 2 East lying East of Yellow Leaf Creek; all being in Shelby County, Alabama

BOOK 071 PAGE 264

I hereby certify that the within map was received and filed in this office for record on the 3rd day of Dec 1968 at 8:00 o'clock A.M. and recorded in Book 8 Page 13

053171

ACREAGE TO BE AFFECTED:

79.2 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 398 feet above mean sea level. An additional 402.5 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 407 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

T. G. Wood — Route 5, Russellville, Alabama

TRACT NO. 350-1 & 2 CONTINUED

| | |
|---|---|
| Bertha Wood | Route 5, Russellville, Alabama |
| Martha Ann Livingston | 212-02 - 33rd Road, Bayside 61, New York |
| Donald Livingston | 212-02 - 33rd Road, Bayside 61, New York |
| Owners Unknown | Names and Addresses Unknown |

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RECORDED IN ABOVE
DEED BOOK, PAGE NO.
FILE NO.

'86 APR 3 PM 4 44

BOOK 071 PAGE 265

TRACT NO. 336-1 & 2

DESCRIPTION:

(a) All that part of Section 17 lying West of Coosa River; all of the Northeast Quarter ($NE\frac{1}{4}$) of Section 18; also, all that part of the Southeast Quarter ($SE\frac{1}{4}$) of Section 18 lying North of Coosa River; and all that part of the Northeast Quarter ($NE\frac{1}{4}$) of Section 19 lying North of Coosa River; all in Township 21 South, Range 2 East, Shelby County, Alabama.

(b) All of Island "A" located in the Coosa River in Sections 8 and 17, and all of Island "B" located in the Coosa River in Section 8, all in Township 21 South, Range 2 East, Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

216.6 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 397 feet above mean sea level. An additional 105.4 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 403 feet above mean sea level.

Filed and Recorded
Official Public Records
Judge of Probate
Shelby County, AL
04/13/1988 08:31:00 AM
01 040

BOOK 071 PAGE 266

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Homer A. Jackson | Wilsonville, Alabama |
| Virginia H. Jackson | Wilsonville, Alabama |
| The Federal Land Bank of New Orleans (Mortgagee) | New Orleans, Louisiana |
| Owners Unknown | Names and Addresses Unknown |

VOL 144 PAGE 156

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

| | |
|---|---|
| ALABAMA POWER COMPANY, a corporation, Plaintiff, v. 3,600 Acres, More or Less, of Land in Talladega, Shelby and St. Clair Counties, Alabama, and W. F. ROBERTSON, ET AL., Defendants. | CIVIL ACTION NO. 66-769 |

FILED IN CLERK'S OFFICE
NORTHERN DISTRICT OF ALABAMA

MAR 31 1967

WILLIAM E. DAVIS
CLERK, U. S. DISTRICT COURT
By Deputy Clerk

BOOK 071 PAGE 267

## CERTIFICATE OF DEPOSIT

I hereby certify that on this day Alabama Power Company deposited with me, as Clerk of the United States Court for the Northern District of Alabama, the sums of money hereinafter listed:

| Tract No. | Amount | Tract No. | Amount |
|---|---|---|---|
| 314 | $ 25.00 | 377 | $ 35.00 |
| 379 | 985.00 | 292 | 500.00 |
| 369 | 530.00 | 393 | 570.00 |
| 510 | 295.00 | 271 | 1,545.00 |
| 280 | 655.00 | 247 | 500.00 |
| 408-3 | 2,770.00 | 374 | 2,150.00 |
| 496 | 9,925.00 | 512 | 1,200.00 |
| 375 | 7,625.00 | 249 | 235.00 |
| 209-3 | 8,935.00 | 349 | 2,230.00 |
| 372 | 5,650.00 | 502 | 1,925.00 |
| 503-1, 2 & 3 | 3,770.00 | 362 | 2,170.00 |
| 244-1 & 2 | 3,140.00 | 383-3 | 4,075.00 |
| 278 | 4,480.00 | 341 | 885.00 |
| 272 | 11,675.00 | 501 | 7,155.00 |
| 500 | 7,190.00 | 354 | 6,975.00 |
| 350-1 & 2 | 20,830.00 | 342 | 3,880.00 |
| | | 336-1 & 2 | 46,025.00 |
| | $88,480.00 | | $82,155.00 |

This the 31st day of March, 1967.

William E. Davis

William E. Davis, Clerk
United States District Court

MP2

CERTIFICATE

I hereby certify that I have this day mailed copies of the foregoing certificate of deposit, together with a copy of the order of the court entered March 17, 1967, overruling objections and defenses raised by the several responsive pleadings, together with a copy of the order of the court entered March 17, 1967, granting plaintiff's motion for summary judgment, to the following: Mr. William W. Conwell, c/o Wingo, Bibb, Foster & Conwell, 1115 First National Building, Birmingham, Alabama 35205; Mr. C. W. McKay, Jr., c/o McKay & Livingston, First Federal Building, Sylacauga, Alabama; Mr. Otis G. Phillips, 503 Green Street, Alexander City, Alabama; Mr. Dan W. McCoy, Attorney at Law, Childersburg, Alabama; Mr. M. R. Kirkland, 310 West Almon, Tuscumbia, Alabama; Mr. Maurice Bishop, 327 Frank Nelson Building, Birmingham, Alabama 35203; Mr. A. Key Foster, Jr., 600 North 18th Street, Birmingham, Alabama 35203; Mr. Romaine Scott, c/o Bradley, Arant, Rose & White, Brown Marx Building, Birmingham, Alabama 35203; Mr. Jack Harrison, c/o James, Beavers & Harrison, City Federal Building, Birmingham, Alabama 35203; Mr. Homer A. Jackson, Bank for Savings Building, Birmingham, Alabama 35203; Mr. Floyd G. Swearingen, Attorney, c/o Federal Land Bank of New Orleans, P. O. Box 50590, New Orleans, Louisiana 70150; Mr. Frank Bainbridge, 1010 Massey Building, Birmingham, Alabama 35203; Mr. Donald C. Livingston, 212-02 33 Road, Bayside, New York 11361; Mr. T. G. Wood, Route #5, Russellville, Alabama; Messrs. Wallace & Ellis, Attorneys at Law, Columbiana, Alabama; Messrs. Love & Love, Attorneys at Law, Talladega, Alabama; Mr. James O. Gorman, Vincent, Alabama; Mr. J. M. Rowe, Drawer D, Vincent, Alabama; Mr. Wesley Smith, Attorney at Law, Sylacauga, Alabama; Mr. Ira H. Kline, 217 Frank Nelson Building, Birmingham, Alabama 35203; Mr. Samuel H. Burr, 1130 Bank for Savings Building, Birmingham, Alabama 35203; and Mr. Leigh M. Clark, 9th Floor, First National Building, Birmingham, Alabama 35203.

BOOK 071 PAGE 268

This the 21 day of March, 1967.

James H. Hancock

James H. Hancock

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

| | |
|---|---|
| ALABAMA POWER COMPANY, a corporation,<br><br>Plaintiff,<br><br>v.<br><br>3,600 Acres, More or Less, of Land in Talladega, Shelby and St. Clair Counties, Alabama, and W. F. ROBERTSON, ET AL.,<br><br>Defendants. | CIVIL ACTION<br><br>NO. CA 66-769 |

FILED IN CLERK'S OFFICE
NORTHERN DISTRICT OF ALABAMA
APR 21 1967
WILLIAM E. DAVIS
CLERK, U. S. DISTRICT COURT
By Deputy Clerk

The motion for summary judgment hereinafter set forth has been set for hearing at 1:30 o'clock P.M. on May 8, 1967, before Honorable Seybourn H. Lynne, United States District Judge, in the United States District Courtroom, Federal Building, Birmingham, Alabama. We have been requested by the Court to advise you of such motion docket as no formal notice of same will be issued to you by the Court.

This 21st day of April, 1967.

James H. Hancock
Attorney for Plaintiff

BOOK 071 PAGE 269
'68 APR 1 AM 11
RECORDED 30
FILED
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0143

James H. Hancock
Martin, Balch, Bingham, Hawthorne & Williams
600 North 18th Street
Birmingham, Alabama 35203

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

| | |
|---|---|
| ALABAMA POWER COMPANY, a corporation, Plaintiff, v. 3,600 Acres, More or Less, of Land in Talladega, Shelby and St. Clair Counties, Alabama, and W. F. ROBERTSON, ET AL., Defendants. | CIVIL ACTION NO. CA 66-769 |

MOTION FOR SUMMARY JUDGMENT BY PLAINTIFF

Plaintiff moves the Court to enter, pursuant to Rule 56 of the Federal Rules of Civil Procedure, a summary judgment to plaintiff's favor on the issue of the necessity of taking the lands described in the amended complaint herein as Tracts numbered 313, 348-1 & 2, 237-1 & 2, 275 and 383-1 & 2 for the purposes and uses outlined in the complaint on the ground that there is no genuine issue as to any material fact relative to the necessity for the taking of such lands and that plaintiff is entitled to a ruling that such lands are necessary for the purposes stated as a matter of law.

This motion is based on the attached affidavit of Mr. E. R. Coulbourn.

Martin, Balch, Bingham, Hawthorne & Williams

Harold Williams

James D. Hampton

Attorneys for Plaintiff

Martin, Balch, Bingham, Hawthorne & Williams
600 North 18th Street
Birmingham, Alabama 35203

FILED IN CLERK'S OFFICE
NORTHERN DISTRICT OF ALABAMA

APR 21 1967

WILLIAM E. DAVIS
CLERK, U. S. DISTRICT COURT
By Deputy Clerk

BOOK 071 Page 270

STATE OF ALABAMA )
JEFFERSON COUNTY )

AFFIDAVIT OF E. R. COULBOURN IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Before me, the undersigned authority in and for said County in said State, personally appeared E. R. Coulbourn, who being known to me and by me first duly sworn, on his oath deposes and says as follows:

My name is E. R. Coulbourn. I am a Vice President-Engineering for Alabama Power Company. Alabama Power Company is a corporation organized under the laws of Alabama and has its principal place of business in Birmingham, Alabama. I have been employed by or associated with Alabama Power Company for over forty years.

Alabama Power Company constructed its Lay Dam and Reservoir across the Coosa River under authority of the Act of Congress of March 4, 1907 (34 Stat. 1288) and acquired lands and interests in lands therefor to those certain datum planes of 382.2 feet (between River Miles 51.8 and 57.5) and 387.2 feet (between River Miles 57.5 and 73.2) above mean sea level established by the United States Coast and Geodetic Survey, as adjusted in January, 1955.

BOOK 071 PAGE 271

The engineering for and planning of Alabama Power Company's current development of the Coosa River, from a point thereon at Mayo's Bar in Floyd County, Georgia, to a point near Wetumpka, Alabama, which includes the enlargement of Lay Dam, the construction of four other dams, and certain other works, were performed in the Engineering and Construction Departments of Alabama Power Company. I have personal knowledge of such plans and the formulation and development thereof. These plans when completed were submitted to the Federal Power Commission which, with certain modifications, approved them and assigned thereto the designation of F.P.C. Project No. 2146.

F.P.C. Project No. 2146 includes specifications for various structures and component parts of Lay Dam and Reservoir which is presently in the process of being enlarged on the Coosa River in Chilton, Coosa, Shelby and Talladega Counties, Alabama. These improvements there provided for include

the dam, reservoir, powerhouse, gated spillway, compacted earth reservoir retaining dikes, navigation facilities, substation, and transmission and communication facilities. There are other works appurtenant or accessory to the enlargement, maintenance and operation of Lay Dam and Reservoir, such as borrow and waste disposal areas, access roads, security areas, and others, which I shall not mention.

The new and enlarged reservoir will be constructed so that its normal water elevation at the dam, being approximately River Mile Post 51.8, will be 397 feet above mean sea level as established by the United States Coast and Geodetic Survey, as adjusted in January, 1955. Proceeding upstream from the dam, the normal reservoir elevation rises progressively from that at the dam, according to hydraulic gradient, to an elevation of 406 feet at River Mile Post 99.8, which is the upper end of the reservoir at the power-house of Logan Martin Dam, in St. Clair and Talladega Counties. During or after periods of heavy rainfall, either locally in the reservoir or in the drainage area affecting it, the water elevation of the reservoir may rise from time to time above the normal reservoir elevation into the flood ease-ment area. The flood easement area begins at approximately River Mile Post 64 and at that point will be 398 feet, or one foot above normal reser-voir elevation. Proceeding upstream from River Mile Post 64, the elevation of the flood easement area rises progressively, according to hydraulic gradient, to an elevation of 410 feet at River Mile Post 99.8 (which is the upper end of the reservoir), or four feet above normal reservoir elevation. The specific elevations, both for normal reservoir elevation and, where applicable, flood easement elevation, are shown on each of the Tracts attached to the amended complaint in this case and designated Ex-hibit A.

BOOK 071 PAGE 272

I have personal knowledge of the manner in which the structures and component parts of Lay Dam and Reservoir will be actually located on the Coosa River and the project lands adjoining it, and know how such im-provements and the reservoir will be located with respect to those parcels of land described in the amended complaint as Tracts numbered 313, 348-1 & 2,

237-1 & 2, 275, 383-1 & 2 and 324. These lands are sought to be condemned in this proceeding for use in connection with the reservoir. Attached to this affidavit, and made a part hereof, are maps or sketches showing these tracts. Each tract will be affected by the waters of the reservoir in the manner shown on the individual map or sketch. Shown in blue on each map or sketch is the portion of the tract to be covered by the reservoir, when it is at its normal elevation, and shown in yellow is the portion of the tract to be covered when the reservoir is at flood easement elevation. The approximate acreage in the various portions of the tract is shown also. The elevations, or contour lines, shown on the maps have been staked on the ground, and painted, on each individual tract.

In addition, it will be necessary to go on and across the lands of the various tract owners, which will not be flooded, with men and equipment to clear the area of the particular tract which will be within the limits of the normal reservoir.

I have personal knowledge of the correctness of the above statements.

RECORDED ABOVE
FILED FOR RECORD
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JEFFERSON COUNTY, ALA.
013147

E. R. Coulbourn

BOOK 071 PAGE 273

Subscribed and sworn to before me,
this the 12th day of April, 1967.

Notary Public
Jefferson County, Alabama

4.

**CERTIFICATE**

I hereby certify that I have this day mailed copies of the foregoing motion and notice of the date and time of the hearing thereof to the following: Mr. John M. Harbert, III, American Liberty Building, 1401 South 20th Street, Birmingham, Alabama; Mr. Joe R. Wallace, Attorney at Law, 308 Jackson Building, Birmingham, Alabama; Mrs. Nell Johnson Wallace, 4416 Clairmont Avenue, Birmingham, Alabama; and Messrs. Wallace & Ellis, Attorneys at Law, Columbiana, Alabama.

This the 21 day of April, 1967.

James H. Hancock

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RECORDED IN ABOVE
DEED BOOK AND PAGE NO.
FILED

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BOOK 071 PAGE 274

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

ALABAMA POWER COMPANY,
a corporation,

Plaintiff,

v.

3,600 Acres, More or Less, of Land in Talladega, Shelby and St. Clair Counties, Alabama, and W. F. ROBERTSON, ET AL.,

Defendants.

CIVIL ACTION

NO. CA 66-769

FILED IN CLERK'S OFFICE
NORTHERN DISTRICT OF ALABAMA

MAY 18 1967

WILLIAM E. DAVIS
CLERK, U. S. DISTRICT COURT
By MARY L. TOSTORICI
Deputy Clerk

**ORDER ON MOTION FOR SUMMARY JUDGMENT AND JUDGMENT CONDEMNING LAND**

A motion having been made by the plaintiff for summary judgment in its favor on the issue of the necessity of taking the lands described in the complaint herein as Tract Nos. 313, 348-1 & 2, 237-1 & 2, 275 and 383-1 & 2 for the purposes and uses outlined in Paragraphs 3 and 4 of the complaint on the ground that there is no genuine issue as to any material fact relative to the necessity for the taking of such lands and that plaintiff is entitled to judgment on such issue as a matter of law; and

The plaintiff subsequent to the filing of such motion for summary judgment having amended the complaint by deleting Tract No. 237-1 & 2 from these proceedings and from the motion for summary judgment;

Now, on considering the affidavit of E. R. Coulbourn filed in support of such motion for summary judgment, which affidavit establishes in the opinion of the court that plaintiff needs the tracts of land designated hereinafter for the purposes stated in the complaint; and

It appearing to the court that there is no genuine issue as to any material fact, except as to the amount of damages to which the condemnees herein are entitled, and the court having concluded after due deliberation having been had, that plaintiff is entitled to summary judgment as to the issue of necessity for the taking as hereinafter specified

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MAY 18 1967

and to an order condemning the respective lands and interests therein; it is

ORDERED, ADJUDGED and DECREED that the motion for summary judgment, insofar as it pertains to the tracts hereinafter listed, be and the same is hereby granted; and it is

FURTHER ORDERED, ADJUDGED and DECREED that, without further order of this court, plaintiff upon making the deposits of money in court hereinafter specified, be vested with

A. Fee simple title to those portions of (i) Tract Nos. 348-1 & 2 and 383-1 & 2 lying below that certain datum plane of 398 feet and (ii) Tract Nos. 313 and 275 lying below that certain datum plane of 399 feet; all above mean sea level as established by the United States Coast and Geodetic Survey, as adjusted in January, 1955;

B. The right to flood or cover with water at intervals from time to time, and the right to prevent the construction, use, occupation or habitation of any structures except fences, docks, wharves and boathouses not capable of human habitation (including the right to tear down or remove any such prohibited structures) on, the portions of (i) Tract Nos. 348-1 & 2 and 383-1 & 2 which lie above such datum plane of 398 feet and which would be flooded or covered by the waters of the Coosa River and its tributaries should the level of such water be raised and backed up to that certain datum plane of 406 feet; (ii) Tract No. 399 which lies above such datum plane of 399 feet and which would be flooded or covered by the waters of the Coosa River and its tributaries should the level of such water be raised and backed up to that certain datum plane of 407 feet; and (iii) Tract No. 313 which lies above such datum plane of 399 feet and which would be flooded or covered by the waters of the Coosa River and its tributaries should the level of such water be raised and backed up to that certain datum plane of 408 feet, all above mean sea level as established by the United States Coast and Geodetic Survey, as adjusted in January, 1955;

RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE
APR 3 1961
DEED BOOK 771 PAGE 276

C. Together with all other rights as prayed for in the bill of complaint herein with regard to the above listed tracts, including the right of ingress and egress;

all such rights to vest in plaintiff without further order of this court upon plaintiff's depositing with the court the sums of money below specified which are equal to the appraisals made by plaintiff of the value of all the interests in land condemned herein:

| Tract No. | Amount |
|---|---|
| 313 | $1,535.00 |
| 348-1 & 2 | 910.00 |
| 275 | 3,400.00 |
| 383-1 & 2 | 1,062.00 |
| Total | $6,907.00 |

The various tract numbers appearing in this order have reference to the corresponding tract numbers appearing in the complaint and Exhibit A thereto, as amended by Amendments 1 through 4, inclusive, which have heretofore been allowed by the court.

This the 12th day of May, 1967.

12th

Seybourn H. Lynne
United States District Judge

RECORDED IN BOOK 071 PAGE 277 ALAMANCE COUNTY, N.C. 1967 MAY 18 PM 4:11 REGISTER OF DEEDS

BOOK 071 PAGE 277

TRACT NO. 348-1 & 2

DESCRIPTION:

That part of the Southwest Quarter of Section 16, Township 20 South, Range 2 East, lying North of State Highway No. 76; also, the East Half of Northeast Quarter (E½ of NE¼) of Section 20, Township 20 South, Range 2 East; also, the Southwest Quarter of Southwest Quarter (SW¼ of SW¼) of Section 28, Township 20 South, Range 2 East; also, all that part of the West Half of Northeast Quarter (W½ of NE¼)of Section 33, Township 20 South, Range 2 East, lying North of the Southern Railway right of way; also, all that part of the East Half of Northwest Quarter (E½ of NW¼) of Section 33, Township 20 South, Range 2 East, lying North of the Southern Railway right of way; all being situated in Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

9.04 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 398 feet above mean sea level. An additional20.9 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 406 feet above mean sea level.

BOOK 071 PAGE 278

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Janie W. Wallace | Asbury Acres Rest Home<br>Maryville, Tennessee |
| Owners Unknown | Names and Addresses Unknown |

TRACT NO. 313

DESCRIPTION:

(a) Lots 7, 8, 9, 10 and 11, 12, 13 and 14 of Block A of Jackson Heights Subdivision according to Map or Plat as recorded in Plat Book 4, at page 22 in the Office of the Judge of Probate, Talladega County, Alabama.

(b) A tract or parcel of land in the East Half of the Northwest Quarter (E½ of NW¼) of Section 17, Township 20 South, Range 3 East, Talladega County, Alabama being more particularly described as follows: Begin at the Northwest corner of Lot 8, Jackson Heights Subdivision as recorded in Plat Book 4 at page 22, Office of Probate Judge, Talladega County from said point of beginning; run thence South 44 degrees 22 minutes West for a distance of 444 feet more or less to a point on the low water line of the South bank of the Tallaseehatchee Creek; run thence Southeasterly along the low water line of the South bank of said Tallaseehatchee Creek a distance of 525 feet, more or less to a point; run thence North 41 degrees 32 minutes East a distance of 414 feet more or less to a point, which is the Southeast Corner of Lot 10 of said Jackson Heights Subdivision; run thence North 77 degrees 25 minutes West along the rear property line of said Lot 10 of said Subdivision a distance of 120 feet to a point, which is the Southeast corner of Lot 9 of said Subdivision; run thence North 47 degrees 38 minutes West along the rear property line of Lot 9 of said Subdivision a distance of 210.3 feet to a point which is the Southwest corner of Lot 9 of said Subdivision; run thence North 07 degrees 59 minutes West along the rear property line of said Lot 8 of said Subdivision a distance of 240.4 feet to the point of beginning.

Filed Apr 7 1953 8:45 AM Recorded Apr 8 1953 Book 071 Page 279

ACREAGE TO BE AFFECTED:

0.77 of an acre, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 399 feet above mean sea level. An additional 3.22 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 408 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

David Azar — Riverside Drive, Childersburg, Ala.

TRACT NO. 313 CONTINUED

| | |
|---|---|
| Kathryne K. Azar | Riverside Drive, Childersburg, Alabama |
| W. H. Cliett | Indian Hill, Childersburg, Alabama |
| Frances C. Cliett | Indian Hill, Childersburg, Alabama |

BOOK 071 PAGE 280

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PAGE NO.
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TRACT NO. 237-1 & 2

DESCRIPTION:

(a) The Southwest Quarter (SW¼) of Section 11, Township 20 South, Range 3 East, Talladega County, Alabama, less and except 10 acres across the East side of Southwest Quarter (SW¼) of said Section 11.

(b) The Northwest Quarter (NW¼) of Section 15, Township 20 South, Range 3 East, Talladega County, Alabama.

(c) A tract or parcel of land in the North Half of the Northeast Quarter (N½ of NE¼) of Section 15, Township 20 South, Range 3 East, Talladega County, Alabama, being more particularly described as follows: Beginning at a point 5¼ chains North of the Southeast Corner of the Northeast Quarter of the Northeast Quarter of Section 15, Township 20 South, Range 3 East; thence run West parallel to the North line of said quarter-quarter section to a ditch; thence along said ditch to the West boundary of the North Half of the Northeast Quarter (N½ of NE¼) of said Section 15; thence North along the West line of said North Half of the Northeast Quarter (N½ of NE¼) to a point which is 15 feet South of the Section line; thence East parallel to the North line of said Section 15 to the East boundary of said Section 15; thence South along the East boundary of said Section 15 to the point of beginning.

BOOK 071 PAGE 281

0531 0151

(d) A tract or parcel of land in the Southwest Quarter of Section 15, Township 20 South, Range 3 East, Talladega County, Alabama, being more particularly described as follows: Commence at the Northeast corner of the Southwest Quarter (SW¼) of Section 15, Township 20 South, Range 3 East; thence West along the North boundary of the Southwest Quarter (SW¼) of said Section 15 for 1030 feet to a point, said point being the point of beginning; thence from said point of beginning run in a Southwesterly direction along a ditch to its intersection with the West boundary of the Southwest Quarter (SW¼) of said Section 15; thence North along the West boundary of the Southwest Quarter of said Section 15 to the Northwest corner of the Southwest Quarter of said Section 15; thence East along the North boundary of the Southwest Quarter (SW¼) of said Section 15 to the point of beginning.

(e) A tract of land in the Northwest Quarter of Section 14,

TRACT NO. 237-1 & 2 CONTINUED

Township 20 South, Range 3 East, Talladega County, Alabama, described as follows: Begin at the Northwest corner of said Section 14; thence East along the North boundary of said Section 14 for 37½ chains to within 2½ chains of the half mile corner between sections 14 and 11; thence South 11 chains to the corner made for a division between F. A. Butt and Dollie B. Moss; thence West 20 chains; thence North 2 chains; thence West 17½ chains to the section line between 14 and 15; thence North 9 chains along the Section line to the point of beginning.

(f) A tract or parcel of land in the Northwest Quarter of the Northwest Quarter (NW¼ of NW¼) of Section 21, Township 20 South, Range 3 East, Talladega County, Alabama, being more particularly described as follows: Commence at the Northwest corner of the Northwest Quarter of the Northwest Quarter (NW¼ of NW¼) of Section 21, Township 20 South, Range 3 East; thence South along Section line for a distance of 954.1 feet more or less to intersection of South right-of-way line of Alabama Highway #76, the point of beginning; thence from said point of beginning turn an angle of 115 degrees 09 seconds to the left and follow the South right-of-way line of the above mentioned highway for a distance of 218.1 feet; thence turn an angle of 90 degrees to the right and run in a Southerly direction a distance of 500 feet; thence turn an angle to the left of 90 degrees and run in an Easterly direction a distance of 400 feet; thence turn an angle of 90 degrees to the left and run in a Northern direction for a distance of 500 feet to a point on the South boundary of said Highway No. 76; thence run East along the South boundary of said Highway No. 76 to a point on the East boundary of Northwest Quarter of Northwest Quarter (NW¼ of NW¼) of said Section 21; thence South along the East boundary of said quarter-quarter section to the Southeast corner; thence West along the South boundary of said quarter-quarter section line to the Southwest corner of said quarter-quarter section; thence North along the West boundary of said quarter-quarter section to the point of beginning; less and except a tract of land described as follows: Begin at an iron stake on the South boundary line of the Childersburg-Winterboro Highway known as State Highway No. 76, located approximately 500 feet in a Southwesterly direction from a

STATE OF ALABAMA
TALLADEGA COUNTY
I certify this instrument was filed
2008 JUL 17 PM 3:08
and recorded
Judge of Probate
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BOOK 071 PAGE 282

TRACT NO. 237-1 & 2 CONTINUED

point on the East forty line of the Northwest Quarter of Northwest Quarter (NW¼ of NW¼) of Section 21, Township 20 South, Range 3 East; thence run South and parallel with the said East forty line of said Northwest Quarter of Northwest Quarter (NW¼ of NW¼) of said Section, Township and Range a distance of 75 yards to an iron stake; thence West at right angles to said East forty line of said Northwest Quarter of Northwest Quarter (NW¼ of NW¼) of said Section 21 a distance of 70 yards to an iron stake; thence North and parallel with said East forty line of said Northwest Quarter of Northwest Quarter (NW¼ of NW¼) for a distance of 70 yards more or less to an iron stake on the South boundary line of said Highway No. 76; thence in a northeasterly direction along the South boundary of said State Highway No. 76 to the point of beginning.

ACREAGE TO BE AFFECTED:

27.3 acres, more or less, of this tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 408 feet above mean sea level.

BOOK 071 PAGE 283

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0531 0157

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| J. A. Bowen | 421 Cliff Place, Birmingham, Alabama |
| Mary K. Bowen | 421 Cliff Place, Birmingham, Alabama |
| Aline B. Gilliland | Goodwater, Alabama |
| Lavenia Antionette (Nettie) Bowen, alleged to be a person of unsound mind | %J. A. Bowen, her legal guardian 421 Cliff Place, Birmingham, Alabama |
| % Aline B. Gilliland, as legal guardian for Lavenia Antoinette (Nettie) Bowen, alleged to be a person of unsound mind | Goodwater, Alabama |
| Owners Unknown | Names and Addresses Unknown |

TRACT NO. 275

DESCRIPTION:

The Northeast Quarter (NE¼) of Section 26, Township 20 South, Range 2 East; also, the West Half of the Northwest Quarter (W½ of NW¼) of Section 25, Township 20 South, Range 2 East, less and except three acres off the South side of the Southwest Quarter of Northwest Quarter of said Section 25; also, Fraction "D" and the Southeast Quarter of Southwest Quarter of Section 24, Township 20 South, Range 2 East; also, a tract or parcel of land in Section 23, Township 20 South, Range 2 East, being more particularly described as follows: Begin on the South line of Section 23 midway between the Southwest and Southeast Corner of Section 23, and run thence North parallel to the East and West lines of Section 23 to the South bank of the Coosa River; thence in an Easterly direction along the South bank of the Coosa River to the East line of Section 23; thence South along the East line of Section 23 to the Southeast corner of said Section 23; thence in a westerly direction to the point of beginning; all of the above being situated in Talladega County, Alabama.

BOOK 071 PAGE 284

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ACREAGE TO BE AFFECTED:

18.4 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 399 feet above mean sea level. An additional 36.4 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 407 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| John M. Harbert, III | American Liberty Building<br>1401 South 20th Street<br>Birmingham, Alabama |
| Marguerite J. Harbert | American Liberty Building<br>1401 South 20th Street<br>Birmingham, Alabama |

TRACT NO. 383-1 & 2

DESCRIPTION:

(a) The Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 19, Township 20 South, Range 2 East; also, the West Half of the Northeast Quarter ($W\frac{1}{2}$ of $NE\frac{1}{4}$); the East Half of the Northwest Quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$); the Northwest Quarter of Southwest Quarter ($NW\frac{1}{4}$ of $SW\frac{1}{4}$) and that part of the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$) and Northwest Quarter of Southeast Quarter ($NW\frac{1}{4}$ of $SE\frac{1}{4}$) lying North of four mile creek in Section 30, Township 20 South, Range 2 East; all in Shelby County, Alabama.

(b) The South Half of the North Half ($S\frac{1}{2}$ of $N\frac{1}{2}$) of Section 16, Township 20 South, Range 2 East; also, the Northeast Quarter ($NE\frac{1}{4}$); Northwest Quarter of Southeast Quarter ($NW\frac{1}{4}$ of $SE\frac{1}{4}$); Southeast Quarter of Southwest Quarter ($SE\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 17, Township 20 South, Range 2 East; all in Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

9.3 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 398 feet above mean sea level. An additional 87.1 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 406 feet above mean sea level.

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0531 0156
BOOK 071 PAGE 285

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Dorothy W. Parker | Route 1, Harpersville, Alabama |
| Talioferro W. Parker | Route 1, Harpersville, Alabama |
| Janie W. Wallace | Asbury Acres Rest Home<br>Maryville, Tennessee |
| J. H. Taylor | 515 W. 12th Street<br>Silver City, New Mexico |
| Roberta T. Thayer | Box 895, Hurley, New Mexico |
| Frank Thayer | Box 895, Hurley, New Mexico |
| Louisa T. Cleghorn | Box 895, Hurley, New Mexico |
| William Cleghorn | Box 895, Hurley, New Mexico |
| Elizabeth B. Cosby | Columbiana, Alabama |
| Dan Cosby | Columbiana, Alabama |
| Nell Johnson Wallace | 4416 Clairmont Avenue<br>Birmingham, Alabama |

TRACT NO. 383-1 & 2

| | |
|---|---|
| Sam H. Wallace, Jr. | Box 107, Nantecoke, Pennsylvania |
| Wales W. Wallace | #2 Alfa Mira, South Laguana, California |
| Margaret Wallace | #2 Alfa Mira, South Laguana, California |
| Joe R. Wallace | 3826 South Cove Drive, Birmingham, Alabama |
| Margaret Wallace | 3826 South Cove Drive, Birmingham, Alabama |
| George J. Wallace | 164 Huntington Road N. E., Atlanta, Ga. |
| Annette Wallace | 164 Huntington Road N. E., Atlanta, Ga. |
| Erin W. Harrell | 4416 Clairmont Avenue<br>Birmingham, Alabama |
| Mildred Wallace | Columbiana, Alabama |
| Owners Unknown | Names and Addresses Unknown |

0531 0160

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FILED

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BOOK 071 PAGE 286

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

| | |
|---|---|
| ALABAMA POWER COMPANY, a corporation, Plaintiff, v. 3,600 Acres, More or Less, of Land in Talladega, Shelby and St. Clair Counties, Alabama, and W. F. ROBERTSON, ET AL., Defendants. | CIVIL ACTION NO. 66-769 |

CERTIFICATE OF DEPOSIT

I hereby certify that on this day Alabama Power Company deposited with me, as Clerk of the United States Court for the Northern District of Alabama, the sums of money hereinafter listed:

| Tract No. | Amount |
|---|---|
| 313 | $1,535.00 |
| 348-1 & 2 | 910.00 |
| 275 | 3,400.00 |
| 383-1 & 2 | 1,062.00 |
| | $6,907.00 |

This the 19th day of May, 1967.

William E. Davis

William E. Davis, Clerk
United States District Court

CERTIFICATE

I hereby certify that I have this day mailed copies of the foregoing certificate of deposit, together with a copy of the order of the court entered May 19, 1967, granting plaintiff's motion for summary judgment, to the following: Mr. John M. Harbert, III, American Liberty Building, 1401 South 20th Street, Birmingham, Alabama; Mr. Joe R. Wallace, Attorney at Law, 308 Jackson Building, Birmingham, Alabama; Mrs. Nell Johnson Wallace, 4416 Clairmont Avenue, Birmingham, Alabama; and Messrs. Wallace & Ellis, Attorneys at Law, Columbiana, Alabama.

This the 19 day of May, 1967.

James H. Hancock

James H. Hancock

BOOK 071 PAGE 287

RECORDED AND INDEXED
FILED FOR RECORD 24 MAY 67 10:45 AM

0531 0161

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

FILED IN CLERK'S OFFICE
NORTHERN DISTRICT OF ALABAMA

JUN 24 1968

WILLIAM E. DAVIS
CLERK, U. S. DISTRICT COURT
By _____ Deputy Clerk

ALABAMA POWER COMPANY,
a corporation,

Plaintiff,

v.

3,600 Acres, More or Less, of Land in Talladega, Shelby and St. Clair Counties, Alabama, and W. F. ROBERTSON, ET AL.,

Defendants.

CIVIL ACTION

NO. CA 66-769

## MOTION FOR SUMMARY JUDGMENT BY PLAINTIFF

Plaintiff moves the Court to enter, pursuant to Rule 56 of the Federal Rules of Civil Procedure, a summary judgment to plaintiff's favor on the issue of the necessity of taking the lands described in the amended complaint herein as Tract No. 339 for the purposes and uses outlined in the complaint on the ground that there is no genuine issue as to any material fact relative to the necessity for the taking of such lands and that plaintiff is entitled to a ruling that such lands are necessary for the purposes stated as a matter of law.

This motion is based on the attached affidavit of Mr. S. R. Hart, Jr.

Messrs. Wallace and Ellis, Attorneys at Law, Columbiana, Alabama 35051, represent the owners of such Tract No. 339, except for the interest therein owned by movant.

Martin, Balch, Bingham, Hawthorne & Williams

Harold Williams

John V. Lamar

Attorneys for Plaintiff

Martin, Balch, Bingham, Hawthorns & Williams
600 North 18th Street
Birmingham, Alabama 35203

BOOK 071 PAGE 288

STATE OF ALABAMA )
JEFFERSON COUNTY )

**AFFIDAVIT OF S. R. HART, JR.**
**IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

Before me, the undersigned authority in and for said County in said State, personally appeared S. R. Hart, Jr., who being known to me and by me first duly sworn, on his oath deposes and says as follows:

My name is S. R. Hart, Jr. I am a Vice President-Engineering for Alabama Power Company. Alabama Power Company is a corporation organized under the laws of Alabama and has its principal place of business in Birmingham, Alabama. I have been employed by or associated with Alabama Power Company for nineteen (19) years.

Alabama Power Company constructed its Lay Dam and Reservoir across the Coosa River under authority of the Act of Congress of March 4, 1907 (34 Stat. 1288) and acquired lands and interests in lands therefor to those certain datum planes of 382.2 feet (between River Miles 51.6 and 57.5) and 387.2 feet (between River Miles 57.5 and 73.2) above-mean sea level as established by the United States Coast and Geodetic Survey, as adjusted in January, 1955.

BOOK 071 PAGE 289

The engineering for and planning of Alabama Power Company's current development of the Coosa River, from a point thereon at Mayo's Bar in Floyd County, Georgia, to a point near Wetumpka, Alabama, which includes the enlargement of Lay Dam, the construction of four other dams, and certain other works, were performed in the Engineering and Construction Departments of Alabama Power Company. I have personal knowledge of such plans and the formulation and development thereof. These plans when completed were submitted to the Federal Power Commission which, with certain modifications, approved them and assigned thereto the designation of F.P.C. Project No. 2146.

F.P.C. Project No. 2146 includes specifications for various structures and component parts of Lay Dam and Reservoir which is being enlarged on the Coosa River in Chilton, Coosa, Shelby and Talladega Counties, Alabama. These

improvements there provided for include the dam, reservoir, powerhouse, gated spillway, compacted earth reservoir retaining dikes, navigation facilities, substation, and transmission and communication facilities. There are other works appurtenant or accessory to the enlargement, maintenance and operation of Lay Dam and Reservoir, such as borrow and waste disposal areas, access roads, security areas, and others, which I shall not mention.

The new and enlarged reservoir will be constructed so that its normal water elevation at the dam, being approximately River Mile Post 51.8, will be 397 feet above mean sea level as established by the United States Coast and Geodetic Survey, as adjusted in January, 1955. Proceeding upstream from the dam, the normal reservoir elevation rises progressively from that at the dam, according to hydraulic gradient, to an elevation of 406 feet at River Mile Post 99.8, which is the upper end of the reservoir at the powerhouse of Logan Martin Dam, in St. Clair and Talladega Counties. During or after periods of heavy rainfall, either locally in the reservoir or in the drainage area affecting it, the water elevation of the reservoir may rise from time to time above the normal reservoir elevation into the flood easement area. The flood easement area begins at approximately River Mile Post 64 and at that point will be 398 feet, or one foot above normal reservoir elevation. Proceeding upstream from River Mile Post 64, the elevation of the flood easement area rises progressively, according to hydraulic gradient, to an elevation of 410 feet at River Mile Post 99.8 (which is the upper end of the reservoir), or four feet above normal reservoir elevation. The specific elevations, both for normal reservoir elevation and flood easement elevation, are shown on the description of Tract No. 339 attached to Amendment No. 8 to the amended complaint in this case and designated Exhibit A.

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RECORDED BOOK 1 PAGE 0330

I have personal knowledge of the manner in which the structures and component parts of Lay Dam and Reservoir will be actually located on the Coosa River and the project lands adjoining it, and know how such improvements and the reservoir will be located with respect to the parcel of land described in

the amended complaint as Tract No. 339. These lands are sought to be condemned in this proceeding for use in connection with the reservoir. Attached to this affidavit, and made a part hereof, is a map or sketch showing this tract. Such tract will be affected by the waters of the reservoir in the manner shown on the map or sketch. Shown in blue on the map or sketch is the portion of the tract to be covered by the reservoir, when it is at its normal elevation, and shown in yellow is the portion of the tract to be covered when the reservoir is at flood easement elevation. The approximate acreage in the various portions of the tract is shown also. The elevations, or contour lines, shown on the map have been staked on the ground, and painted, on this tract.

In addition, it will be necessary to go on and across the lands of the tract owners, which will not be flooded, with men and equipment to clear the area of the tract which will be within the limits of the normal reservoir.

I have personal knowledge of the correctness of the above statements.

RECORDED IN ABOVE BOOK — PAGE — FILED JUL 3 1968 — 9:30 AM
DEED 0165 0131

S. R. Hart, Jr.

BOOK 071 PAGE 291

Subscribed and sworn to before me,

this the 24 day of June, 1968.

James W. Johnson

Notary Public
Jefferson County, Alabama

VOL 144 PAGE 181

4.

**CERTIFICATE**

I hereby certify that I have this day mailed a copy of the fore-going motion and affidavit to Messrs. Wallace and Ellis, Attorneys at Law, Columbiana, Alabama 35051.

This the 24 day of June, 1968.

James H. Hancock

James H. Hancock

0531 0166

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BOOK 071 PAGE 292

VOL 144 PAGE 182

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

ALABAMA POWER COMPANY,
a corporation,

Plaintiff,

v.

3,600 Acres, More or Less, of Land in Talladega, Shelby and St. Clair Counties, Alabama, and W. F. ROBERTSON, ET AL.,

Defendants.

CIVIL ACTION NO. 66-769

FILED IN CLERK'S OFFICE
NORTHERN DISTRICT OF ALABAMA
APR 1 1970
WILLIAM E. DAVIS
CLERK, U. S. DISTRICT COURT
BY: _____ DEPUTY CLERK

MOTION FOR SUMMARY JUDGMENT BY PLAINTIFF

Plaintiff moves the Court to enter, pursuant to Rule 56 of the Federal Rules of Civil Procedure, a summary judgment to plaintiff's favor on the issue of the necessity of taking the lands described in the amended complaint herein as Tract No. 368-2 for the purposes and uses outlined in the complaint on the ground that there is no genuine issue as to any material fact relative to the necessity for the taking of such lands and that plaintiff is entitled to a ruling that such lands are necessary for the purposes stated as a matter of law.

This motion is based on the attached affidavit of Mr. S. R. Hart, Jr.

Messrs. Wallace and Ellis, Attorneys at Law, Columbiana, Alabama 35051, represent the owners of such Tract No. 368-2.

Martin, Balch, Bingham, Hawthorne & Williams

Lloyd Williams
Attorneys for Plaintiff

Martin, Balch, Bingham, Hawthorne & Williams
600 North 18th Street
Birmingham, Alabama 35203

BOOK 071 PAGE 293

FILED FOR RECORD
APR 1 1970
JUDGE OF PROBATE
ST. CLAIR COUNTY, ALA.

STATE OF ALABAMA )
JEFFERSON COUNTY )

AFFIDAVIT OF S. R. HART, JR.
IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Before me, the undersigned authority in and for said County in said State, personally appeared S. R. Hart, Jr., who being known to me and by me first duly sworn, on his oath deposes and says as follows:

My name is S. R. Hart, Jr. I am Vice President-Engineering for Alabama Power Company. Alabama Power Company is a corporation organized under the laws of Alabama and has its principal place of business in Birmingham, Alabama. I have been employed by or associated with Alabama Power Company for approximately twenty (20) years.

Alabama Power Company constructed its Lay Dam and Reservoir across the Coosa River under authority of the Act of Congress of March 4, 1907 (34 Stat. 1288) and acquired lands and interests in lands therefor to those certain datum planes of 382.2 feet (between River Miles 51.8 and 57.5) and 387.2 feet (between River Miles 57.5 and 73.2) above mean sea level as established by the United States Coast and Geodetic Survey, as adjusted in January, 1955.

The engineering for and planning of Alabama Power Company's current development of the Coosa River, from a point thereon at Mayo's Bar in Floyd County, Georgia, to a point near Wetumpka, Alabama, which includes the enlargement of Lay Dam, the construction of four other dams, and certain other works, were performed in the Engineering and Construction Departments of Alabama Power Company. I have personal knowledge of such plans and the formulation and development thereof. These plans when completed were submitted to the Federal Power Commission which, with certain modifications, approved them and assigned thereto the designation of F.P.C. Project No. 2146.

F.P.C. Project No. 2146 includes specifications for various structures and component parts of Lay Dam and Reservoir which is being enlarged on the Coosa River in Chilton, Coosa, Shelby and Talladega Counties, Alabama. These improvements there provided for include the dam, reservoir, powerhouse, gated spillway, compacted earth reservoir retaining dikes, navigation facilities, substation, and transmission and communication facilities. There

FILED 64 MAR 31 PM 3:45 CIRCUIT COURT JEFFERSON COUNTY, ALABAMA
1964 MAR 31 PM 3:45
BOOK 071 PAGE 294

are other works appurtenant or accessory to the enlargement, maintenance and operation of Lay Dam and Reservoir, such as borrow and waste disposal areas, access roads, security areas, and others which I shall not mention.

The new and enlarged reservoir was constructed so that its normal water elevation at the dam, being approximately River Mile Post 51.8, is 397 feet above mean sea level as established by the United States Coast and Geodetic Survey, as adjusted in January, 1955. Proceeding upstream from the dam, the normal reservoir elevation rises progressively from that at the dam, according to hydraulic gradient, to an elevation of 406 feet at River Mile Post 99.8, which is the upper end of the reservoir at the powerhouse of Logan Martin Dam, in St. Clair and Talladega Counties. During or after periods of heavy rainfall, either locally in the reservoir or in the drainage area affecting it, the water elevation of the reservoir may rise from time to time above the normal reservoir elevation into the flood easement area. The flood easement area begins at approximately River Mile Post 64 and at that point will be 398 feet, or one foot above normal reservoir elevation. Proceeding upstream from River Mile Post 64, the elevation of the flood easement area rises progressively, according to hydraulic gradient, to an elevation of 410 feet at River Mile Post 99.8 (which is the upper end of the reservoir), or four feet above normal reservoir elevation. The specific elevations, both for normal reservoir elevation and flood easement elevation, are shown on the description of Tract No. 368-2 attached to Amendment No. 11 to the amended complaint in this case and designated Exhibit A.

BOOK 071 PAGE 295

I have personal knowledge of the manner in which the structures and component parts of Lay Dam and Reservoir will be actually located on the Coosa River and the project lands adjoining it, and know how such improvements and the reservoir will be located with respect to the parcel of land described in the amended complaint as Tract No. 368-2. These lands are sought to be condemned in this proceeding for use in connection with the reservoir. Attached to this affidavit, and made a part hereof, is a map or sketch showing this tract. Such tract will be affected by

the waters of the reservoir in the manner shown on the map or sketch. Shown in blue on the map or sketch is the portion of the tract to be covered by the reservoir, when it is at its normal elevation, and shown in yellow is the portion of the tract to be covered when the reservoir is at flood easement elevation. The approximate acreage in the various portions of the tract is shown also.

I have personal knowledge of the correctness of the above statements.

S. R. Hart, Jr.

Subscribed and sworn to before me,

this the 31st day of March, 1970.

Paula Dee Phillips
Notary Public
Jefferson County, Alabama

My Commission Expires November 23, 1970

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RECORDED IN ABOVE
DEED BO[illegible]

BOOK 071 PAGE 296

**CERTIFICATE**

I hereby certify that I have this day mailed a copy of the foregoing motion and affidavit to Messrs. Wallace and Ellis, Attorneys at Law, Columbiana, Alabama 35051.

This the 31 day of March, 1970.

Harold Williams
Harold Williams

0531 0171

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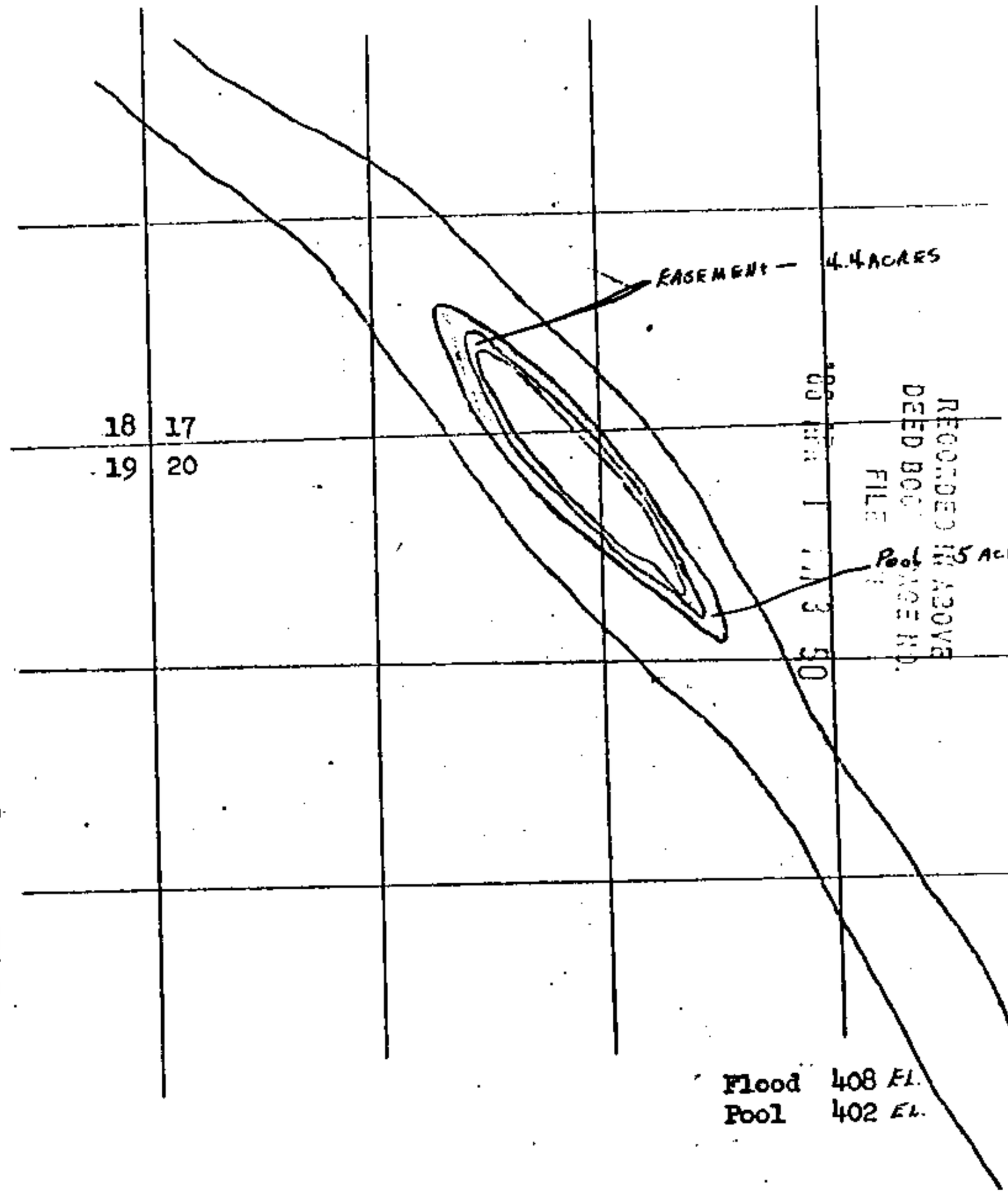
DEED BOOK, PAGE NO.
FILED

'86 APR 1 PM 3 50

BOOK 071 PAGE 297

VOL 144 PAGE 187

## BUZZARD ISLAND




Township 19 South, Range 3 East
Shelby and Talladega Counties, Alabama

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BOOK 071 PAGE 298

as to the issue of necessity for the taking as hereinafter specified and to an order condemning the respective lands and interests therein; it is

ORDERED, ADJUDGED and DECREED that the motions for summary judgment, insofar as they pertain to Tract No. 339 and to Tract No. 368-2, be and the same are hereby granted; and it is

FURTHER ORDERED, ADJUDGED and DECREED that, without further order of this Court, plaintiff, upon depositing $3,800.00 in Court, be vested with

A. Fee simple title to that portion of Tract No. 339 lying below that certain datum plane of 398 feet above mean sea level as established by the United States Coast and Geodetic Survey, as adjusted in January, 1955;

B. The right to flood or cover with water at intervals from time to time, and the right to prevent the construction, use, occupation or habitation of any structures except fences, docks, wharves and boathouses not capable of human habitation (including the right to tear down or remove any such prohibited structures) on, that portion of Tract No. 339 which lies above such datum plane of 398 feet and which would be flooded or covered by the waters of the Coosa River and its tributaries should the level of such water be raised and backed up to that certain datum plane of 406 feet above mean sea level as established by the United States Coast and Geodetic Survey, as adjusted in January, 1955;

C. Together with all other rights as prayed for in the bill of complaint herein with regard to the above listed tracts, including the right of ingress and egress;

all such rights to vest in plaintiff without further order of this Court upon plaintiff's depositing with the Court the $3,800.00 above indicated which is equal to the appraisals made by plaintiff of the value of all the interests in land condemned herein as Tract No. 339.

FURTHER ORDERED, ADJUDGED and DECREED that, without further order of this Court, plaintiff, upon depositing $275.00 in Court, be vested with

BOOK 071 PAGE 299

017 031

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

ALABAMA POWER COMPANY,
a corporation,

Plaintiff,

v.

3,600 Acres, More or Less, of Land in Talladega, Shelby and St. Clair Counties, Alabama, and W. F. ROBERTSON, ET AL.,

Defendants.

CIVIL ACTION NO. CA 66-769

FILED IN CLERK'S OFFICE
NORTHERN DISTRICT OF ALABAMA
APR 3 1970
WILLIAM E. DAVIS
CLERK, U. S. DISTRICT COURT
DEPUTY CLERK

ORDER ON MOTIONS FOR SUMMARY JUDGMENT
AND JUDGMENT CONDEMNING LAND

Two motions having been made by the plaintiff for summary judgment in its favor on the issue of the necessity of taking the lands described in the amended complaint herein, one such motion having been filed June 24, 1968 dealing with Tract No. 339 described in Amendment No. 8 to the complaint and the other such motion having been filed April 1, 1970 dealing with Tract No. 368-2 described in Amendment 11 to the complaint, for the purposes and uses outlined in Paragraphs 3 and 4 of the complaint on the ground that there is no genuine issue as to any material fact relative to the necessity for the taking of such lands and that plaintiff is entitled to judgment on such issue as a matter of law; and

The Court, upon consideration of the objections and defenses raised by the answers filed on behalf of the respective owners of such Tract No. 339 and Tract No. 368-2, is of the opinion that such objections and defenses are not proper objections or defenses to the complaint, and it is, therefore ordered that the same are hereby overruled and denied.

Now, on considering the two affidavits of S. R. Hart, Jr. filed in support of such motions for summary judgment, which affidavits establish in the opinion of the Court that plaintiff needs Tract No. 339 and Tract No. 368-2 for the purposes stated in the complaint; and

It appearing to the Court that there is no genuine issue as to any material fact, except as to the amount of damages to which the condemnees herein are entitled, and the Court having concluded after due d eliberation having been had, that plaintiff is entitled to summary judgment

A. Fee simple title to that portion of Tract No. 368-2 lying below that certain datum plane of 402 feet above mean sea level as established by the United States Coast and Geodetic Survey, as adjusted in January, 1955;

B. The right to flood or cover with water at intervals from time to time, and the right to prevent the construction, use, occupation or habitation of any structures except fences, docks, wharves and boathouses not capable of human habitation (including the right to tear down or remove any such prohibited structures) on, that portion of Tract No. 368-2 which lies above such datum plane of 402 feet and which would be flooded or covered by the waters of the Coosa River and its tributaries should the level of such water be raised and backed up to that certain datum plane of 408 feet above mean sea level as established by the United States Coast and Geodetic Survey, as adjusted in January, 1955;

C. Together with all other rights as prayed for in the Bill of complaint herein with regard to the above listed tracts, including the right of ingress and egress;

all such rights to vest in plaintiff without further order of this Court upon plaintiff's depositing with the Court the $275.00 above indicated which is equal to the appraisals made by plaintiff of the value of all the interests in land condemned herein as Tract No. 368-2.

The tract numbers appearing in this order have reference to the corresponding tract numbers appearing in the complaint and Exhibit A thereto, as amended by Amendments 1 through 11, inclusive, which have heretofore been allowed by the Court.

This the 3rd day of April, 1970.

Seybourn H. Lynne

United States District Judge



A TRUE COPY
WILLIAM E. DAVIS, CLERK
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
BY: [signature]
DEPUTY CLERK

BOOK 071 PAGE 300

0531 0175

APR 30 1970 RECORDED IN THE ABOVE DEED BOOK AND PAGE

TRACT NO. 339

DESCRIPTION:

The Northwest Quarter of Section 20, Township 20 South, Range 2 East, Shelby County, Alabama, except 3 acres in the southeast corner lying southeast of Yellow Leaf Creek.

ACREAGE TO BE AFFECTED:

11.5 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 398 feet above mean sea level. An additional [illegible] acres, more or less, of such tract will be subject to floodi[illegible] be when Lay Reservoir is raised to an elevation [illegible] evel.

NAMES AND ADDRESSES OF OWNERS

| | |
|---|---|
| Ralph L. Robinson | Route 2, Wilsonv[illegible] |
| Martha A. Robinson | Route 2 [illegible]avi[illegible] |
| The Federal Land [illegible] of New Orleans, [illegible] | |
| Alabama Power Company | 600 North 18th Street, Birmingham, Alabama |

FILED DEC 3 1968 at 9:50 A.M.
RECORDED IN DEED BOOK 071 PAGE 301
RELEASED FROM RECORD

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BOOK 071 PAGE 301

VOL 144 PAGE 192

## TRACT NO. 368-2

**DESCRIPTION:**

Buzzard Island partly in Section 17, and partly in Section 20, Township 19 South, Range 3 East, situated in the Coosa River between Shelby and Talladega Counties, Alabama, said island also being shown on map by the United States Department of the Interior, Bureau of Land Management, with a description of same shown thereon dated November 21, 1963, a copy of which is recorded in Map Book 4 at page 88 in the office of the Judge of Probate of Shelby County, Alabama, and copy of which is attached hereto.

**ACREAGE TO BE AFFECTED:**

5.0 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised to its new elevation of 402 feet above mean sea level. An additional 4.4 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is raised to an elevation of 408 feet above mean sea level.

**NAMES AND ADDRESSES OF OWNERS:**

| | |
|---|---|
| Maples Wallis | Route 1, Harpersville, Alabama |
| Rena Wallis | Route 1, Harpersville, Alabama |
| Fray Wallis Green | Route 1, Vincent, Alabama |
| Floyd E. Green | Route 1, Vincent, Alabama |
| Claude Wallis Smith | Harpersville, Alabama |
| Mick Smith | Harpersville, Alabama |
| Lila Cosper | Wilsonville, Alabama |

BOOK 071 PAGE 302

RECORDED 1963 DEC 30 AM 11:50 JUDGE OF PROBATE SHELBY CO. ALA. 01177

**EXHIBIT A**

VOL 144 PAGE 193

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

| | | |
|---|---|---|
| ALABAMA POWER COMPANY, a corporation,<br><br>Plaintiff,<br><br>v.<br><br>3,600 Acres, More or Less, of Land in Talladega, Shelby and St. Clair Counties, Alabama, and W. F. ROBERTSON, ET AL.,<br><br>Defendants. | ) | CIVIL ACTION<br><br>NO. 66-769 |

CERTIFICATE OF DEPOSIT

I hereby certify that on this day Alabama Power Company deposited with me, as Clerk of the United States District Court for the Northern District of Alabama, the sums of money hereinafter listed:

| Tract No. | Amount |
|---|---|
| 339 | $3,800.00 |
| 368-2 | $ 275.00 |
| | $4,075.00 |

This the 28th day of April, 1970.

William E. Davis
William E. Davis, Clerk
United States District Court

FILED ON 1970 APR 30 AM 8:30
RECORDED IN DEED BOOK 071 PAGE 303
FILE NO. 01178

BOOK 071 PAGE 303

State Of Alabama - Talladega Co. I hereby certify that the following information was presented on this instrument for recordation:

Deed Tax
Index
Recording 150.00
Total 151.00

DERRELL B. HANN
Judge of Probate

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

1986 MAY -8 PM 3:05

JUDGE OF PROBATE

RECORDING FEES

| | |
|---|---|
| Recording Fee | $ 245.00 |
| Index Fee | 207.00 |
| TOTAL | $ 452.00 |

144 PAGE 94

047000

ST. CLAIR CO. PELL CITY ALA.
I CERTIFY THIS
INSTRUMENT WAS FILED

1986 APR 17 AM 11:08

U.C.C. FILE NUMBER
REC. BK. & PAGE AS SHOWN ABOVE

JUDGE OF PROBATE

01372

| | |
|---|---|
| Deed Tax | $ 102.00 |
| File Fee | 2.00 |
| Recording Fee | 46.50 |
| Total | $ 150.50 |

150.50
1.00
151.00

0531 0178