

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 Saybourn 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.

BOOK 071 PAGE 206

RECORDED IN ABOVE
FILED
APR 1 1967
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

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

ALABAMA POWER COMPANY,
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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 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.

Martin, Balch, Bingham, Hawthorne & Williams

Harold Williams

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

BOOK 071 PAGE 207

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,

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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.

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, 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. These lands

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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.

E. R. Coulbourn
 E. R. Coulbourn

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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.

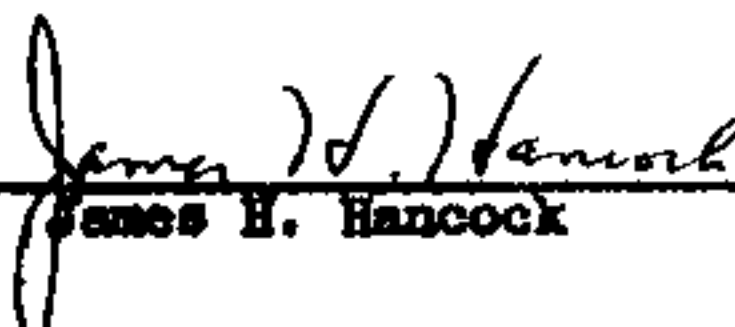
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CERTIFICATE

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, Ribb, 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, Tusculumbia, 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.

This the 21st day of February, 1967.


James H. Hancock

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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

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. 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

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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;

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 boat-houses 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;

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(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

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4.

the level of such water be raised and backed up to that certain datum plane of 408 feet; and (xii) 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:

<u>Tract No.</u>	<u>Amount</u>
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

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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

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0531 009

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.

Seymour H. Pym

United States District Judge

TRACT NO. 382-2DESCRIPTION:

All that part of the Northwest Quarter of Northeast Quarter (NW $\frac{1}{4}$ of NE $\frac{1}{4}$) 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 (SW $\frac{1}{4}$ of NE $\frac{1}{4}$) 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

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TRACT NO. 382-1DESCRIPTION:

All that part of the Northeast Quarter of Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$) and Northwest Quarter of Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$) 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

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0531 0092

TRACT NO. 314DESCRIPTION:

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

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TRACT NO. 377DESCRIPTION:

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
Sylacauga, Alabama

Anne B. Smith

Box 294,
Sylacauga, Alabama

Owners Unknown

Names and Addresses Unknown

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TRACT NO. 379DESCRIPTION:

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:

Syvillia B. Hulsey

Box 970, Route 8
Birmingham, Alabama (Pleasant Grove)

D. C. Hulsey, Sr.

Box 970, Route 8
Birmingham, Alabama (Pleasant Grove)

Owners Unknown

Names and Addresses Unknown

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TRACT NO. 283DESCRIPTION:

(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.

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,

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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:

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

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TRACT NO. 292DESCRIPTION:

A tract or parcel of land situated in the Southeast Quarter of Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$) 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 (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) 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.

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

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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 except 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

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elevation of 402
 more or less, of
 time when Lay Reserv
 level.

TRACT NO. 393DESCRIPTION:

The Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$) 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

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RECORDED IN ABOVE
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0531 0100

TRACT NO. 510DESCRIPTION:

(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.

(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

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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:

X Dr. Joseph L. Butler, as trustee
under the last Will and Testa-
ment of Hulda Ludwig Chase,
deceased

27 Fairway Drive, Birmingham, Alabama

X 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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RECORDED IN ABOVE
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86 APR 1 1973 41

0531 0102

X

TRACT NO. 271DESCRIPTION:

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.

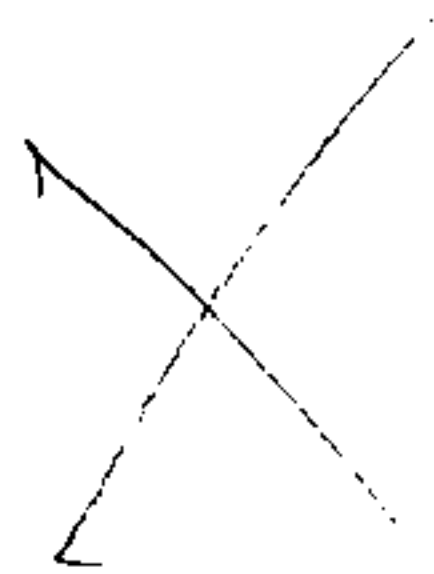
NAMES AND ADDRESSES OF OWNERS:

M. R. Kirkland, M.	310 West Almond Street Tuscumbia, Alabama
✓ Charles T. Joyce (Lessee)	Route 1, Columbiana, Alabama
✓ Gladys Joyce (Lessee)	Route 1, Columbiana, Alabama

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RECORDED IN ABOVE
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0531 0103



TRACT NO. 280DESCRIPTION:

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 ($NW\frac{1}{4}$ of $NW\frac{1}{4}$) 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 ($N\frac{1}{2}$ of $NE\frac{1}{4}$) and the Northeast Quarter of Northwest Quarter ($NE\frac{1}{4}$ of $NW\frac{1}{4}$) 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.

NAMES AND ADDRESSES OF OWNERS:

X John L. Bryant

104 Princeton Drive, Childersburg, Alabama

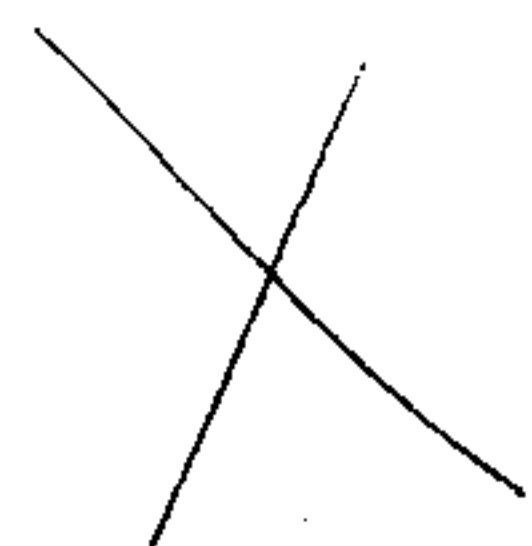
X Gurther Bryant

104 Princeton Drive, Childersburg, Alabama

Owners Unknown

Names and Addresses Unknown

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TRACT NO. 247DESCRIPTION:

(a) The Southwest Quarter of the Northwest Quarter ($\text{SW}\frac{1}{4}$ of $\text{NW}\frac{1}{4}$) of Section 21, Township 20 South, Range 3 East, Talladega County, Alabama.

(b) All that part of the East Half of the Northwest Quarter ($\text{E}\frac{1}{2}$ of $\text{NW}\frac{1}{4}$) 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 ($\text{N}\frac{1}{2}$ of $\text{SW}\frac{1}{4}$) 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.

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.

NAMES AND ADDRESSES OF OWNERS:

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

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RECORDED IN BOOK 071
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0531 0105

TRACT NO. 408-3DESCRIPTION:

The Southwest Quarter of Northeast Quarter (SW $\frac{1}{4}$ of NE $\frac{1}{4}$) 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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86 APR 1 AM 3 41

0531 0106

TRACT NO. 374

DESCRIPTION:

(a) South Half of Southeast Quarter ($S\frac{1}{2}$ of $SE\frac{1}{4}$); East Half of Northwest Quarter of Southeast Quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$ of $SE\frac{1}{4}$) and the Northeast Quarter of Southeast Quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 1, Township 19 South, Range 2 East; also, the East Half of Northeast Quarter ($E\frac{1}{2}$ of $NE\frac{1}{4}$) 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

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RECORDED IN ABOVE
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0531 0107

TRACT NO. 496DESCRIPTION:

The East Half of the Northeast Quarter ($E\frac{1}{2}$ of $NE\frac{1}{4}$) and 29.14 acres on the east side of the northeast three-fourths ($NE\frac{3}{4}$) of the West Half of the Northeast Quarter ($W\frac{1}{2}$ of $NE\frac{1}{4}$), 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 ($NW\frac{1}{4}$) 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.

NAMES AND ADDRESSES OF OWNERS:

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

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TRACT NO. 512DESCRIPTION:

(a) A part of the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4}$ of $NE\frac{1}{4}$), a part of the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4}$ of $NE\frac{1}{4}$), 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 ($SE\frac{1}{4}$ of $NE\frac{1}{4}$) of Section 27, Township 20 South, Range 2 East, as a point of beginning; from this beginning point proceed North 1 degree 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 degree 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 ($SE\frac{1}{4}$ of $NE\frac{1}{4}$) 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 CONTINUEDACREAGE 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:

X Joseph L. Butler

27 Fairway Drive, Birmingham, Alabama

X Margaret P. Butler

27 Fairway Drive, Birmingham, Alabama

Owners Unknown

Names and Addresses Unknown

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0531 0110

X

TRACT NO. 348-1 & 2DESCRIPTION:

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 ($E\frac{1}{2}$ of $NE\frac{1}{4}$) of Section 20, Township 20 South, Range 2 East; also, the Southwest Quarter of Southwest Quarter ($SW\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 28, Township 20 South, Range 2 East; also, all that part of the West Half of Northeast Quarter ($W\frac{1}{2}$ of $NE\frac{1}{4}$) 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 ($E\frac{1}{2}$ of $NW\frac{1}{4}$) 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.

NAMES AND ADDRESSES OF OWNERS:

Janie W. Wallace

Asbury Acres Rest Home
Maryville, Tennessee

Owners Unknown

Names and Addresses Unknown

TRACT NO. 287-1, 2 & 3DESCRIPTION:

(a) A tract or parcel of land in Fractions "B" and "C" and the Northeast Quarter of Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$) 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 ($SW\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 17, Township 20 South, Range 3 East, thence South along the East line of said Southwest Quarter of Southwest Quarter ($SW\frac{1}{4}$ of $SW\frac{1}{4}$) 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

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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.

EXCEPTION THREE: Starting at the Northeast Corner of the Southwest Quarter of Southwest Quarter ($SW\frac{1}{4}$ of $SW\frac{1}{4}$), 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

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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 ($SW\frac{1}{4}$ of $NE\frac{1}{4}$) and the Southeast Quarter of Northwest Quarter ($SE\frac{1}{4}$ of $NW\frac{1}{4}$) 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 ($N\frac{1}{2}$ of $NW\frac{1}{4}$ of $SE\frac{1}{4}$) 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 ($NW\frac{1}{4}$ of $SE\frac{1}{4}$) 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.

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:

K W. L. Bates	Route 3 Union Springs, Alabama
X Jessie Bates	Route 3 Union Springs, Alabama
Owners Unknown	Names and Addresses Unknown

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86 APR 1 PM 3 42

RECORDED IN ABOVE
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0531 0115

X

TRACT NO. 249DESCRIPTION:

The West half of the Southwest Quarter ($W\frac{1}{2}$ of $SW\frac{1}{4}$) of Section 22, Township 20 South, Range 3 East, also, the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 22, Township 20 South, Range 3 East; also, the East Half of the East Half of the Southeast Quarter ($E\frac{1}{2}$ of $E\frac{1}{2}$ of $SE\frac{1}{4}$) 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

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RECORDED IN ABOVE
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0531 0116

TRACT NO. 375DESCRIPTION:

The Southwest Quarter of Southwest Quarter ($SW\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 1, Township 19 South, Range 2 East; also, the South Half of the Southeast Quarter of Southwest Quarter ($S\frac{1}{2}$ of $SE\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 1, Township 19 South, Range 2 East; also, the Northwest Quarter of Northeast Quarter ($NW\frac{1}{4}$ of $NE\frac{1}{4}$) 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 ($N\frac{1}{2}$ of $SW\frac{1}{4}$) of Section 12, Township 19 South, Range 2 East; also, the Southeast Quarter of Southwest Quarter ($SE\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 12, Township 19 South, Range 2 East; also, the West Half of Northeast Quarter ($W\frac{1}{2}$ of $NE\frac{1}{4}$) 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 39.1 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.

NAMES AND ADDRESSES OF OWNERS:

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

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RECORDED IN ALABAMA
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JAN 1 1934

TRACT NO. 349DESCRIPTION:

The Northeast Quarter of Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$) and the Northwest Quarter of Southeast Quarter ($NW\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 29, Township 20 South, Range 2 East; also, all that part of the Southwest Quarter of Southeast Quarter ($SW\frac{1}{4}$ of $SE\frac{1}{4}$) 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 ($E\frac{1}{2}$ of $E\frac{1}{2}$ of $SE\frac{1}{4}$ of $SW\frac{1}{4}$) 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

TRACT NO. 209-3DESCRIPTION:

The East Half of the Southeast Quarter ($E\frac{1}{2}$ of $SE\frac{1}{4}$) and the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4}$ of $NE\frac{1}{4}$), 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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RECORDED IN ABOVE
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TRACT NO. 502DESCRIPTION:

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 ($N\frac{1}{2}$ of $NE\frac{1}{4}$), 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.

NAMES AND ADDRESSES OF OWNERS:

Elizabeth Chancellor Graham

Route 1, Harpersville, Alabama

Owners Unknown

Names and Addresses Unknown

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TRACT NO. 372DESCRIPTION:

(a) The South Half of the Southeast Quarter ($8\frac{1}{2}$ of $32\frac{1}{2}$) 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 ($32\frac{1}{2}$) 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 ($32\frac{1}{2}$ of $32\frac{1}{2}$) 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.

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

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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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0531 0122

TRACT NO. 381-1 & 2DESCRIPTION:

(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.

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

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86 MAR 11 1931
0531 0123

TRACT NO. 362DESCRIPTION:

The East Half of the Southeast Quarter ($E\frac{1}{2}$ of $SE\frac{1}{4}$) 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 ($S\frac{1}{2}$) of Section 30, Township 19 South, Range 3 East, lying West of the Coosa River; also, all that part of the North Half ($N\frac{1}{2}$) 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

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TRACT NO. 503-1, 2 & 3

DESCRIPTION:

(a) That part of the South Half (S $\frac{1}{2}$) 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.

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

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SHELBY COUNTY, ALA.

TRACT NO. 383-3DESCRIPTION:

The East Half of the Southeast Quarter ($E\frac{1}{2}$ of $SE\frac{1}{4}$) of Section 29, Township 20 South, Range 2 East; also, the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}$ of $SW\frac{1}{4}$) and the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}$ of $NW\frac{1}{4}$) 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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TRACT NO. 244-1 & 2DESCRIPTION:

(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", "O" 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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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:

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

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TRACT NO. 341DESCRIPTION:

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.

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
Bobbie Ann Goodner	1540 Mims Avenue, Birmingham, Alabama
Helen Goodner	1140 Columbiana Road Birmingham, Alabama

TRACT NO. 341 CONTINUED

Lillian Dillon

3536 Country Club Road
Birmingham, Alabama

Hugh C. Dillon

3536 Country Club Road
Birmingham, Alabama

Owners Unknown

Names and Addresses Unknown

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RECORDED IN ABOVE
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06 APR 1 1934

0531 0130

TRACT NO. 278DESCRIPTION:

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.

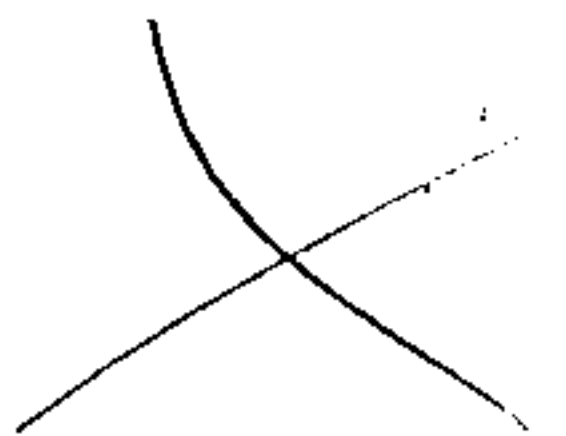
NAMES AND ADDRESSES OF OWNERS:

✕ Morgie W. Morris	309 West Walnut Street Sylacauga, Alabama
✕ Warren E. Morris	309 West Walnut Street Sylacauga, Alabama
✕ Elizabeth Cash Morris	309 West Walnut Street 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

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RECORDED IN ABOVE
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85 1713

0531 0131



TRACT NO. 501DESCRIPTION:

(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 ($N\frac{1}{2}$ of $NE\frac{1}{4}$).

(b) All of Section 14, Township 20 South, Range 2 East, Shelby County, Alabama, less and except the North Half of Northeast Quarter ($N\frac{1}{2}$ of $NE\frac{1}{4}$) and the Southeast Quarter of Northeast Quarter ($SE\frac{1}{4}$ of $NE\frac{1}{4}$).

(c) The Northwest Quarter of Section 11, Township 20 South, Range 2 East; also, the West Half of Southwest Quarter ($W\frac{1}{2}$ of $SW\frac{1}{4}$) of Section 11, Township 20 South, Range 2 East; also, the South Half of Northeast Quarter ($S\frac{1}{2}$ of $NE\frac{1}{4}$) 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 ($E\frac{1}{2}$ of $SW\frac{1}{4}$) 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.

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 Rudolph Little	Oklahoma City, Oklahoma
Ruby Little	Oklahoma City, Oklahoma

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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 Schensol	Address Unknown
John L. Schensol	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 ABOVE
DEED BOOK PAGE 148

0531 013

TRACT NO. 272DESCRIPTION:

(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 Birmingham, Alabama	0531
X Laurie Oden	3633 Cliff Road Birmingham, Alabama	0134
X A. Key Foster, Jr.	12th Floor, 600 North 18th Street Birmingham, Alabama	
X Vonceil Foster Coleman	3844 Glencoe Drive Birmingham, Alabama	
X John J. Coleman, Jr.	c/o Bradley, Arant, Rose & White Brown Marx Building Birmingham, Alabama	
X J. Rowan Oden	2920 Argyle Road Birmingham, Alabama	
X Alice Oden Ford	3633 Cliff Road Birmingham, Alabama	
X Dr. V. W. Heard	Fayetteville Road, Route 1 Childersburg, Alabama	
X Barbara Heard	Fayetteville Road, Route 1 Childersburg, Alabama	
Owners Unknown	Names and Addresses Unknown	

RECORDED IN BOOK 071 PAGE 269
DEED BOOK 071 PAGE 149
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0531 0134

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TRACT NO. 354DESCRIPTION:

The Northeast Quarter of Northwest Quarter ($NE\frac{1}{4}$ of $NW\frac{1}{4}$) 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 ($N\frac{1}{2}$ of $SE\frac{1}{4}$) of Section 28, Township 20 South, Range 2 East; also, the Southeast Quarter of Southeast Quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 28, Township 20 South, Range 2 East; also, the South Half of the Southwest Quarter of Southeast Quarter ($S\frac{1}{2}$ of $SW\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 28, Township 20 South, Range 2 East; also, the East Half of the Northeast Quarter ($E\frac{1}{2}$ of $NE\frac{1}{4}$) 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.

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

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RECORDED IN ABOVE
PAGE NO. 013
86 APR 1 1913

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
3330 - 10th Avenue North
Birmingham, Alabama

Owners Unknown

Names and Addresses Unknown

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0531
0136
DO NOT WRITE IN ABOVE SPACE

TRACT NO. 342DESCRIPTION:

The Northwest Quarter ($NW\frac{1}{4}$) of Section 17, Township 20 South, Range 2 East; also, the North Half of Southwest Quarter ($N\frac{1}{2}$ of $SW\frac{1}{4}$) of Section 17, Township 20 South, Range 2 East; also, the East Half of Northeast Quarter ($E\frac{1}{2}$ of $NE\frac{1}{4}$) of Section 18, Township 20 South, Range 2 East; also, the Northeast Quarter of Southeast Quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$), Section 18, Township 20 South, Range 2 East; also, the North 25 acres of uniform width of the Northwest Quarter of Northeast Quarter ($NW\frac{1}{4}$ of $NE\frac{1}{4}$) of Section 18, Township 20 South, Range 2 East; also, the North 25 acres of uniform width of the Northeast Quarter of Northwest Quarter ($NE\frac{1}{4}$ of $NW\frac{1}{4}$) of Section 18, Township 20 South, Range 2 East; also, the West Half of the Northwest Quarter ($W\frac{1}{2}$ of $NW\frac{1}{4}$) 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 Birmingham, Alabama
J. W. Goodwin, as Trustee	2111 - 7th Avenue South Birmingham, Alabama
Joy Elizabeth Goodwin, a minor under the age of 14 years	J. W. Goodwin 3248 East Briarcliff Circle Birmingham, Alabama
Owners Unknown	Names and Addresses Unknown

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RECORDED
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1936 APR 1

0531

013

TRACT NO. 350-1 & 2DESCRIPTION:

(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

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

BOOK 071 PAGE 264

0531018

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

BOOK 071 PAGE 265

RECORDED IN ABOVE
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TRACT NO. 336-1 & 2DESCRIPTION:

(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.

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

BOOK 071 PAGE 266

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
NORTHERN DISTRICT OF ALABAMA

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:

<u>Tract No.</u>	<u>Amount</u>	<u>Tract No.</u>	<u>Amount</u>
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
	<u>\$88,480.00</u>		<u>\$82,155.00</u>

This the 31st day of March, 1967.

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

BOOK 071 PAGE 267

2.

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 at Law, 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.

This the 31st day of March, 1967.

James H. Hancock
James H. Hancock

BOOK 071 PAGE 268

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 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.

BOOK 071 PAGE 269

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James H. Hancock
James H. Hancock
Attorney for Plaintiff

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. 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

APR 21 1967

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

By _____
Deputy Clerk

071-270

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 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

BOOK 071 PAGE 271

2.

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, where applicable, flood easement elevation, are shown on each of the Tracts attached to the amended complaint in this case and designated Exhibit A.

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 313, 348-1 & 2,

BOOK 071 PAGE 272

3.

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.

E. R. Coulbourn

E. R. Coulbourn

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

James D. Jensen
Notary Public
Jefferson County, Alabama

BOOK 071 PAGE 273

RECORDED ABOVE
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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
James H. Hancock

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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

Box 071 Page 275

2.

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;

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COOSA RIVER
FLOODING
CASE NO. 100-10000

3.

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:

<u>Tract No.</u>	<u>Amount</u>
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.

Seybourn H. Lyons
United States District Judge

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12th

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TRACT NO. 348-1 & 2DESCRIPTION:

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 ($E\frac{1}{2}$ of $NE\frac{1}{4}$) of Section 20, Township 20 South, Range 2 East; also, the Southwest Quarter of Southwest Quarter ($SW\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 28, Township 20 South, Range 2 East; also, all that part of the West Half of Northeast Quarter ($W\frac{1}{2}$ of $NE\frac{1}{4}$) 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 ($E\frac{1}{2}$ of $NW\frac{1}{4}$) 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.

NAMES AND ADDRESSES OF OWNERS:

Janie W. Wallace

Asbury Acres Rest Home
Maryville, Tennessee

Owners Unknown

Names and Addresses Unknown

BOOK 071 PAGE 278

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TRACT NO. 313DESCRIPTION:

(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 ($E\frac{1}{2}$ of $NW\frac{1}{4}$) 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.

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.

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TRACT NO. 313 CONTINUED

X Kathryne K. Azar

Riverside Drive, Childersburg, Alabama

X W. H. Clett

Indian Hill, Childersburg, Alabama

X Frances C. Clett

Indian Hill, Childersburg, Alabama

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TRACT NO. 237-1 & 2DESCRIPTION:

(a) The Southwest Quarter ($SW\frac{1}{4}$) of Section 11, Township 20 South, Range 3 East, Talladega County, Alabama, less and except 10 acres across the East side of Southwest Quarter ($SW\frac{1}{4}$) of said Section 11.

(b) The Northwest Quarter ($NW\frac{1}{4}$) 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 ($N\frac{1}{2}$ of $NE\frac{1}{4}$) of Section 15, Township 20 South, Range 3 East, Talladega County, Alabama, being more particularly described as follows: Beginning at a point $5\frac{1}{4}$ 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 ($N\frac{1}{2}$ of $NE\frac{1}{4}$) of said Section 15; thence North along the West line of said North Half of the Northeast Quarter ($N\frac{1}{2}$ of $NE\frac{1}{4}$) 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.

(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 ($SW\frac{1}{4}$) of Section 15, Township 20 South, Range 3 East; thence West along the North boundary of the Southwest Quarter ($SW\frac{1}{4}$) 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 ($SW\frac{1}{4}$) 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 ($SW\frac{1}{4}$) of said Section 15 to the point of beginning.

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

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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 $37\frac{1}{2}$ chains to within $2\frac{1}{2}$ 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 $17\frac{1}{2}$ 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 ($NW\frac{1}{4}$ of $NW\frac{1}{4}$) 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 ($NW\frac{1}{4}$ of $NW\frac{1}{4}$) 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 ($NW\frac{1}{4}$ of $NW\frac{1}{4}$) 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

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05310156

TRACT NO. 237-1 & 2 CONTINUED

point on the East forty line of the Northwest Quarter of Northwest Quarter (NW $\frac{1}{4}$ of NW $\frac{1}{4}$) 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 (NW $\frac{1}{4}$ of NW $\frac{1}{4}$) 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 (NW $\frac{1}{4}$ of NW $\frac{1}{4}$) 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 (NW $\frac{1}{4}$ of NW $\frac{1}{4}$) 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.

NAMES AND ADDRESSES OF OWNERS:

X J. A. Bowen	421 Cliff Place, Birmingham, Alabama
X Mary K. Bowen	421 Cliff Place, Birmingham, Alabama
Aline B. Gilliland	Goodwater, Alabama
X Lavenia Antionette (Nettie) Bowen, alleged to be a person of unsound mind	J. A. Bowen, her legal guardian 421 Cliff Place, Birmingham, Alabama
X 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

BOOK 071 PAGE 283

RECORDED IN ABOVE
BOOK PAGE 172
FILED
MAY 1 PM 3

0531 0167

TRACT NO. 275

DESCRIPTION:

The Northeast Quarter (NE $\frac{1}{4}$) of Section 26, Township 20 South, Range 2 East; also, the West Half of the Northwest Quarter (W $\frac{1}{2}$ of NW $\frac{1}{4}$) 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.

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:

X John M. Harbert, III

American Liberty Building
1401 South 20th Street
Birmingham, Alabama

X Marguerite J. Harbert

American Liberty Building
1401 South 20th Street
Birmingham, Alabama

BOOK 071 PAGE 284

RECORDED
DEED BOOK
FILED
APR 1 1931
0531 0158



TRACT NO. 383-1 & 2DESCRIPTION:

(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.

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 Maryville, Tennessee
J. H. Taylor	515 W. 12th Street 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 Birmingham, Alabama

BOOK 071 PAGE 285

RECORDED
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0531 0169

TRACT NO. 383-1 & 2

Sam H. Wallace, Jr.

Wales W. Wallace

Margaret Wallace

Joe R. Wallace

Margaret Wallace

George J. Wallace

Annette Wallace

Erin W. Harrell

Mildred Wallace

Owners Unknown

Box 107, Nantecoke, Pennsylvania

#2 Alfa Mira, South Laguna, California

#2 Alfa Mira, South Laguna, California

3826 South Cove Drive, Birmingham, Alabama

3826 South Cove Drive, Birmingham, Alabama

164 Huntington Road N. E., Atlanta, Ga.

164 Huntington Road N. E., Atlanta, Ga.

4416 Clairmont Avenue

Birmingham, Alabama

Columbiana, Alabama

Names and Addresses Unknown

BOOK 071 PAGE 286

RECORDED IN ABOVE
DEED BOOK 071 PAGE 286
FILED
'86 APR 1 2 3 48

0531 0160

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.

313
348-1 & 2
275
383-1 & 2

Amount

\$1,535.00
910.00
3,400.00
1,062.00
\$6,907.00

RECORDED IN ABOVE
DEED BOOK PAGE NO.

0531 0161

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 18, 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

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

James W. Hawthorne
Attorneys for Plaintiff

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

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 51.8 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

BOOK 071 PAGE 289

2.

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.

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

BOOK 071 PAGE 290

RECORDED IN MAY 1955
DEED BOOK PAGE 111

3.

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
DEED BOOK PAGE 180
FILED
JUN 1 1968
0531 0165

S. R. Hart, Jr.
S. R. Hart, Jr.

BOOK 071 PAGE 291

Subscribed and sworn to before me,
this the 24 day of June, 1968.

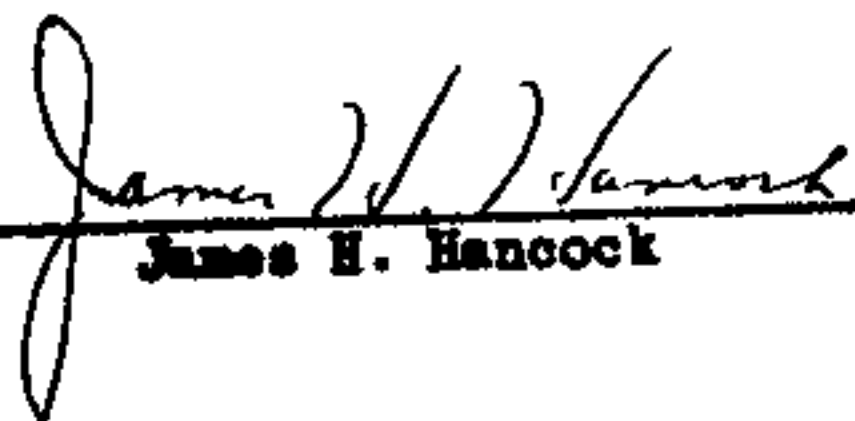
James W. Hancock
Notary Public
Jefferson County, Alabama

4.

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 24 day of June, 1968.


James H. Hancock

'86 APR 1 11 3 49

RECORDED IN ABOVE
DEED BOOK PAGE NO.
FILE NO.

0531 0166

BOOK 071 PAGE 292

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

David Williams

Attorneys for Plaintiff

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

BOOK 071 PAGE 293

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 57.8) 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

BOOK 071 PAGE 294

2.

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.

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

BOOK 071 PAGE 295

3.

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.
S. R. Hart, Jr.

Subscribed and sworn to before me,
this the 31st day of March, 1970.

Paula Mae Phillips
Notary Public
Jefferson County, Alabama

My Commission Expires November 23, 1970

86 APR 1 PM 3 50

RECORDED IN ABOVE
DEED BOOK 1011111111

0531 0170

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

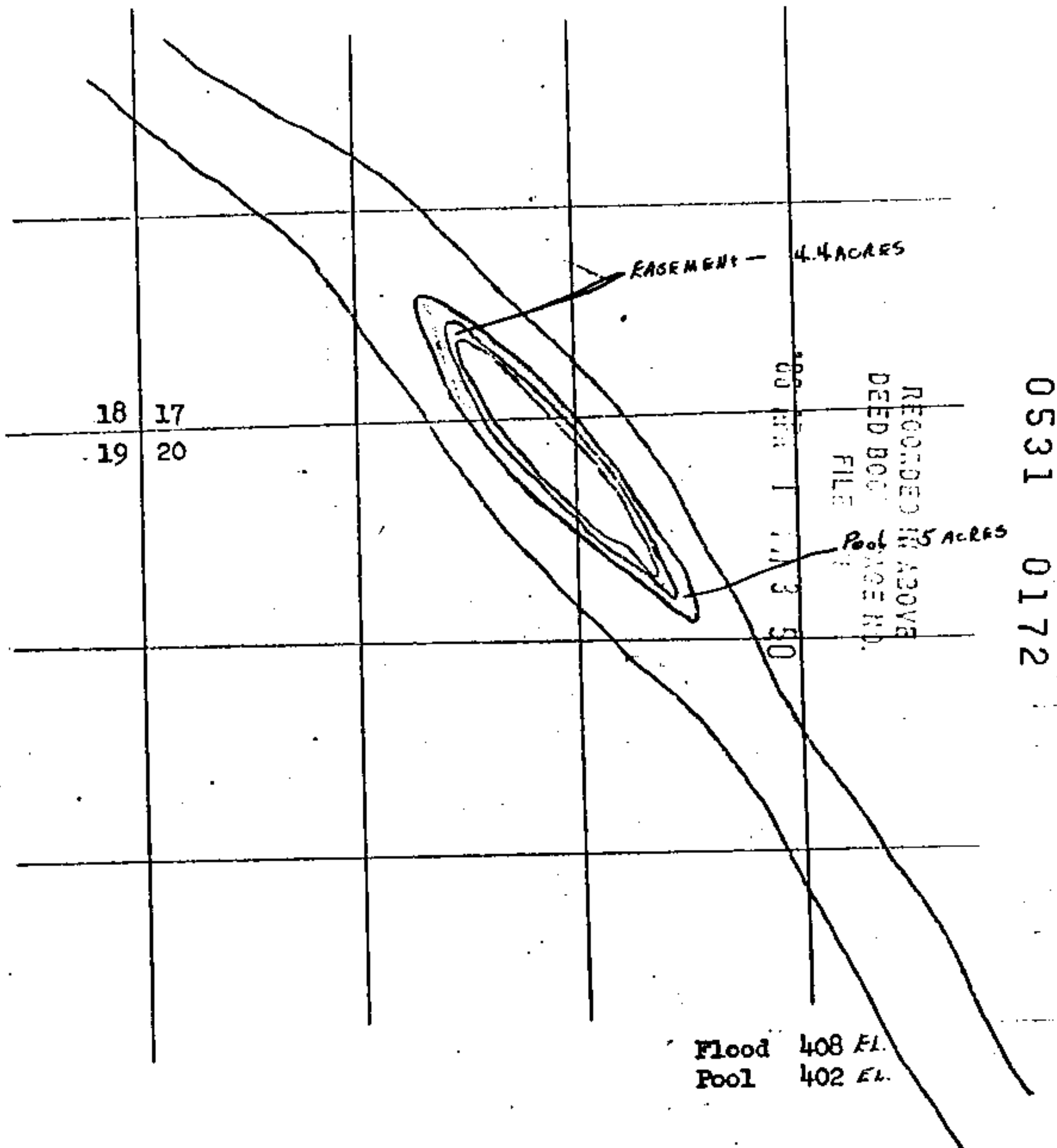
0531 0171

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DEED BOOK PAGE NO.
FILE
'86 APR 1 PM 3 50

BOOK 071 PAGE 297

VOL 144 PAGE 187

BUZZARD ISLAND



BOOK 071 PAGE 298

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

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

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
NORTHERN DISTRICT OF ALABAMA
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 deliberation having been had, that plaintiff is entitled to summary judgment

Book 071 Page 299-A

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. Lytle

United States District Judge

-3-

A TRUE COPY
WILLIAM M. DAVIS, CLERK
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
BY: Chas. J. Jones
DEPUTY CLERK

BOOK 071 PAGE 300

RECORDED
DECEMBER 11 1970
FILED
11 3 50
0531 0175

TRACT NO. 339DESCRIPTION:

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 85.5 acres, more or less, of such tract will be subject to flooding when Lay Reservoir is raised to an elevation of 400 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS

Ralph L. Robinson

Route 2, Wilsonville, Ala.

Martha A. Robinson

Route 2, Wilsonville, Ala.

The Federal Land Bank of New Orleans, New Orleans, La.

Alabama Power Company

600 North 18th Street,
Alabama

RECORDED IN ABOVE
DEED BOOK NO. 0531
FILED
JAN 1 1933
50

0531

0176

BOOK 071 PAGE 301

H

TRACT NO. 368-2

DESCRIPTION:

Bussard 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:

X Maples Wallis	Route 1, Harpersville, Alabama
X Rena Wallis	Route 1, Harpersville, Alabama
X Pray Wallis Green	Route 1, Vincent, Alabama
✓ Floyd E. Green	Route 1, Vincent, Alabama
X Claude Wallis Smith	Harpersville, Alabama
X Nick Smith	Harpersville, Alabama
✓ Lila Coper	Wilsonville, Alabama

BOOK 071 PAGE 302

RECORDED
FILED
JAN 13 1964
SHELBY COUNTY
ALABAMA

0177

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 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

State Of Alabama, Talladega Co. I hereby certify that
the following instrument was filed on this Instru-
ment No. 144 PAGE 94

Deed

Index

Recording

Total

1.00

150.00

151.00

GERRETT B. HANN

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

1986 MAY -8 PM 3 05

Thomas A. Saunders, Jr.
JUDGE OF PROBATE
RECORDING FEES

Recording Fee \$ 245.00

Index Fee 207.00

TOTAL \$ 452.00

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1986 APR 17 AM 11:08

U.S. BANK CO. CELL CITY BR. ALA.
I CERTIFY THIS
INSTRUMENT WAS FILED

01372

Deed Tax \$ 100.00
File Fee 2.00
Recording Fee 245.00
Total \$ 347.00

150.00
158.00