625

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

| | |
|---|---|
| ALABAMA POWER COMPANY, a corporation,<br><br>Plaintiff,<br><br>v.<br><br>1,140 Acres, More or Less, of Land in Shelby and Talladega Counties, Alabama, and CLAUDE J. SCHRADER, ET AL.,<br><br>Defendants. | CIVIL ACTION<br><br>NO. CA 66-325 |

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 June 30, 1966, 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 20th day of June, 1966.

Carey J. Chitwood
Attorney for Plaintiff

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AND RECORDED
BOOK 071 PAGE 97
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Carey J. Chitwood
Martin, Balch, Bingham, Hawthorne & Williams
600 North 18th Street
Birmingham, Alabama 35203

FILED IN CLERK'S OFFICE
NORTHERN DISTRICT OF ALABAMA

JUN 20 1966

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

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| ALABAMA POWER COMPANY, a corporation,<br><br>Plaintiff,<br><br>v.<br><br>1,140 Acres, More or Less, of Land in Shelby and Talladega Counties, Alabama, and CLAUDE J. SCHRADER, ET AL.,<br><br>Defendants. | CIVIL ACTION<br><br>NO. CA 66-325 |

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 127, 120, 150-1 & 2, 475, 228, 178, 476, 104, 126, 201, 405, 474, 477, 232, 464, 447, 188, 465, 433, 137, 133, 211-1 & 2, 490, 430, 400, 431, 492 and 432 for the purposes and uses outlined in the complaint on the ground that there is no genuine issue as to any material fact relative to the necessity for the taking of such lands and that plaintiff is entitled to a ruling that such lands are necessary for the purposes stated as a matter of law.

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

BOOK 071 PAGE 98

Martin, Balch, Bingham, Hawthorne & Williams

Harold Williams

Attorneys for Plaintiff

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

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 at Birmingham, Alabama. I have been employed by or associated with Alabama Power Company for over forty years.

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

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

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

BOOK 071 PAGE 99
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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 127, 120, 150-1 & 2, 475, 228, 178, 476, 104, 126, 201, 405, 474, 477, 232, 464, 447, 188, 465, 433, 137, 133, 211-1 & 2, 490, 430, 400, 431, 492 and 432. These lands are sought to be condemned in this proceeding

BOOK 671 PAGE 100

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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.

BOOK 071 PAGE 101

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E. R. Coulbourn

Subscribed and sworn to before me,

this the 20th day of June, 1966.

Lillian Hadnott
Notary Public
Jefferson County, Alabama

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 attorneys of record, Messrs. Wallace & Ellis, Columbiana, Alabama; Mr. James M. Fullan, Jr., 1407 City Federal Building, Birmingham, Alabama 35203; Messrs. Huey, Stone & Patton, Realty Building, Bessemer, Alabama; Messrs. McKay & Livingston, First Federal Building, Sylacauga, Alabama; Mr. James H. Sharbutt, Childersburg, Alabama; Mr. Arthur J. Hanes, Frank Nelson Building, Birmingham, Alabama; Messrs. Cato and Hicks, 307 Bank for Savings Building, Birmingham, Alabama; Beverly C. Adams, The Federal Land Bank of New Orleans, P. O. Box 50590, New Orleans, Louisiana; and further to all those defendants, at their respective addresses, listed in Tracts numbered 127, 475, 405, 474, 232, 464, 433, 211-P, 2, 490, 300, 492 and 432 in Exhibit A to the complaint.

This the 20th day of June, 1966.

Carey J. Chitwood

FILED — RECORDED IN ABOVE BOOK AND PAGE
JUN 30 1966
BOOK 071 PAGE 102

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

| | |
|---|---|
| ALABAMA POWER COMPANY, a corporation,<br><br>Plaintiff,<br><br>v.<br><br>1,140 Acres, More or Less, of Land in Shelby and Talladega Counties, Alabama, and CLAUDE J. SCHRADER, ET AL.,<br><br>Defendants. | CIVIL ACTION<br><br>NO. CA 66-325 |

FILED IN CLERK'S OFFICE
NORTHERN DISTRICT OF ALABAMA

JUL 6 - 1966

WILLIAM E. DAVIS
CLERK, U. S. DISTRICT COURT
By _____ 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. 127, 120, 150-1 & 2, 475, 228, 178, 476, 104, 126, 201, 405, 474, 477, 232, 464, 447, 188, 465, 433, 137, 133, 211-1 & 2, 490, 430, 400, 431, 492 and 432 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

BOOK C71 PAGE 103

The plaintiff subsequent to the filing of such motion for summary judgment having amended the complaint by deleting tract numbers 178 and 400 from these proceedings and from the motion for summary judgment;

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

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

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

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

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

A. Fee simple title to those portions of (i) Tract Nos. 127, 126, 405, 137 and 133 lying above that certain datum plane of 382.2 feet but lying below that certain datum plane of 397 feet, (ii) Tract Nos. 120, 150-1 & 2, 475, 476, 104, 201, 477, 232, 464, 188, 211-1 & 2, 430, 431, 492 and 432-C lying above that certain datum plane of 387.2 feet but lying below that certain datum plane of 397 feet, and (iii) Tract Nos. 228, 474, 447, 465, 433 and 490 lying below that certain datum plane of 397 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 (1) Tract Nos. 228, 201, 211-1 & 2, 430 and 431 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 398 feet; (ii) Tract Nos. 475, 476, 474, 477, 232 and 465 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 400 feet; and (iii) Tract Nos. 490 and 492 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

BOOK 671 PAGE 104

the level of such water be raised and backed up to that certain datum plane of 401 feet; all above mean sea level as established by the United States Coast and Geodetic Survey, as adjusted in January, 1955;

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

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

| Tract No. | Amount |
|---|---|
| 127 | $ 225.00 |
| 120 | 300.00 |
| 150-1 & 2 | 400.00 |
| 475 | 452.00 |
| 228 | 535.00 |
| 476 | 570.00 |
| 104 | 550.00 |
| 126 | 1,200.00 |
| 201 | 1,640.00 |
| 405 | 2,500.00 |
| 474 | 5,315.00 |
| 477 | 2,415.00 |
| 232 | 2,925.00 |
| 464 | 3,000.00 |
| 447 | 2,100.00 |
| 188 | 575.00 |
| 465 | 5,260.00 |
| 433 | 4,150.00 |
| 137 | 4,350.00 |
| 133 | 4,600.00 |
| 211-1 & 2 | 4,770.00 |
| 490 | 5,370.00 |
| 430 | 3,250.00 |

BOOK 071 PAGE 105

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| | | |
|---|---|---|
| 431 | | 18,515.00 |
| 492 | | 31,230.00 |
| 432-C | | 800.00 |
| | Total | $106,997.00 |

The various tract numbers appearing in this order are referred to the corresponding tract numbers appearing in the complaint and Exhibit A thereto, as amended by Amendments 1 through 5, inclusive, which have heretofore been allowed by the court.

This the 6th day of July, 1966.

Seybourn H. Lynne
United States District Judge

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BOOK 071 PAGE 106

EXHIBIT A

TRACT NO. 127

SHELBY COUNTY

DESCRIPTION:

A tract of land in the $SW\frac{1}{4}$ of $NE\frac{1}{4}$ and the $NW\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 34, Township 24 North, Range 15 East, Shelby County, Alabama, being more particularly described as follows:

To reach a point of beginning, commence at the southwest corner of the $SW\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 34; thence east along the south line of said $SW\frac{1}{4}$ of $NE\frac{1}{4}$ for a distance of 400 feet to a point, said point being the point of beginning; from said point of beginning, turn 90 degrees to the right and run south to north boundary of Waxahatchee Creek of Lay Lake; thence in an easterly direction along the north boundary of said Lay Lake for a distance of 25 feet more or less; thence north to the north boundary of $NW\frac{1}{4}$ of $SE\frac{1}{4}$ of said Section 34; thence continue north for 150 feet; thence turn 90 degrees to the right and run 58 feet; thence 90 degrees to the left and run 60 feet; thence 90 degrees to the left and run 15 feet; thence 90 degrees to the right and run 50 feet; thence 90 degrees to right and run 115 feet; thence north 195.7 feet; thence west 100 feet; thence north 200 feet; thence east 100 feet; thence north 504.3 feet; thence west 600 feet; thence south 500 feet; thence west 50 feet; thence south 90 feet; thence east 517 feet; thence south 400 feet; thence west 150 feet; thence south 20 feet; thence east 100 feet; thence south 150 feet to the point of beginning.

BOOK 071 PAGE 107

ACREAGE TO BE AFFECTED:

0.03 of an acre, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised from elevation 382.2 feet to its new elevation of 397 feet above mean sea level.

TRACT NO. 127

(Continued)

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Conrad Young | 708 Graymont Avenue West<br>Birmingham, Alabama |
| Nettie M. Young | 708 Graymont Avenue West<br>Birmingham, Alabama |
| Mary C. Arnold | 7101 - 4th Avenue South<br>Birmingham, Alabama |
| Owners Unknown | Names and Addresses Unknown |

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BOOK 071 PAGE 108

EXHIBIT A

TRACT NO. 120

SHELBY COUNTY

DESCRIPTION:

A tract of land in the SE¼ of SE¼ of Section 12, Township 24 North, Range 15 East, Shelby County, Alabama, more particularly described as follows: Begin at a point which is 395 feet south of the northeast corner of said SE¼ of SE¼ and run south for 50 feet; thence run west for 100 feet; thence run north for 50 feet; thence run east for 100 feet to the point of beginning, the north line of said tract being the south boundary of Lot 4, of Block 6 of Pine Grove Camp Subdivision according to the map recorded in Map Book 4 at page 8 in the Probate Office of Shelby County, Alabama. Minerals and mining rights are excepted.

ACREAGE TO BE AFFECTED:

0.11 of an acre, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised from elevation 387.2 feet to its new elevation of 397 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| A. V. Jannett | 1533 - 41st Street West<br>Birmingham, Alabama |
| Lela E. Jannett | 1533 - 41st Street West<br>Birmingham, Alabama |
| Owners Unknown | Names and Addresses Unknown |

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BOOK 071 PAGE 109

EXHIBIT A

TRACT NO. 150-1 & 2

SHELBY COUNTY

DESCRIPTION:

(1) All that part of the NW¼ of SE¼ of Section 13, Township 22 South, Range 1 East, situated between Willow Island Subdivision and the Coosa River, said Willow Island Subdivision being recorded in Map Book 4 at page 73 in the Probate Office of Shelby County, Alabama.

(2) Lot No. 7 of the Willow Island Subdivision according to the plat thereof recorded in Map Book 4 at page 73 in the Probate Office of Shelby County, Alabama, said Subdivision being a part of the NW¼ of SE¼ of Section 13, Township 22 South, Range 1 East, together with the right of ingress or egress over and across the lands lying between the above-described lot and the waters of the Coosa River including the rights to use a causeway, boat launching facilities and picnic area situated in said subdivision and subject to the building and other protective covenants recorded in Deed Book 220 at page 891 in the office of the Judge of Probate of Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

3.701 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised from elevation 387.2 feet to its new elevation of 397 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Lewis B. Walker | Columbiana, Alabama |
| Imogene T. Walker | Columbiana, Alabama |
| Jack T. Atchison | Columbiana, Alabama |
| Marie F. Atchison | Columbiana, Alabama |
| Owners Unknown | Names and Addresses Unknown |

BOOK 071 PAGE 110

0531 0192

EXHIBIT A

TRACT NO. 475

SHELBY COUNTY

DESCRIPTION:

All that part of the SE¼ of NE¼ which lies north and west of Beeswax Creek in Section 27, Township 21 South, Range 1 East, Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

7 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised from elevation 387.2 feet to its new elevation of 397 feet above mean sea level. An additional 0.4 of an acre, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is filled to an elevation of 400 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Hobert Lee | Box 122<br>Wilsonville, Alabama |
| Lenora E. Lee | Box 122<br>Wilsonville, Alabama |
| Owners Unknown | Names and Addresses Unknown |

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BOOK 671 PAGE 111

EXHIBIT A

TRACT NO. 228

TALLADEGA COUNTY

DESCRIPTION:

That part of the SW¼ of NW¼ of Section 16, Township 22 South, Range 2 East, Talladega County, Alabama, lying North of L. & N. Railroad.

ACREAGE TO BE AFFECTED:

6.9 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is filled to its new elevation of 397 feet above mean sea level. An additional 2 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is filled to an elevation of 398 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| X Alma Brewster or Blewster | Talladega Springs, Alabama |
| X Jessie Bell Woodruff | Address Unknown |
| X Walter Woodruff | Address Unknown |
| X William Brewster or Blewster | Address Unknown |
| X Heirs or devisees of Clemm Henry Brewster or Blewster, deceased | Names and Addresses Unknown |
| X Heirs or devisees of Alabama McPherson, deceased | Names and Addresses Unknown |
| X Heirs or devisees of Wes Brewster or Blewster, deceased | Names and Addresses Unknown |
| Owners Unknown | Names and Addresses Unknown |

BOOK 071 PAGE 112

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EXHIBIT A

TRACT NO. 178

SHELBY COUNTY

DESCRIPTION:

The North Half of Lot No. 9 in Block No. 1 of Pine Grove Camp Subdivision, according to map thereof recorded in Map Book 4 at page 8 in the Probate Office of Shelby County, Alabama

ACREAGE TO BE AFFECTED:

One acre, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised from elevation 387.2 feet to its new elevation of 397 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Billie B. Newman | 4942 - 8th Terrace South<br>Birmingham, Alabama |
| Elaine T. Newman | 4942 - 8th Terrace South<br>Birmingham, Alabama |
| Jefferson Federal Savings & Loan Association (Mortgagee) | 213 North 21st Street<br>Birmingham, Alabama |
| Owners Unknown | Names and Addresses Unknown |

BOOK 071 PAGE 113

0531 0195

EXHIBIT A

TRACT NO. 476

SHELBY COUNTY

DESCRIPTION:

The S½ of SE¼ of Section 22, and that part of the NE¼ of NE¼ of Section 27, lying north of Beeswax Creek, less and except a parcel described as follows: To reach a point of beginning, commence at the northeast corner of said Section 27, thence south along Section line 427.7 feet, more or less, to point of beginning; from said beginning point run south 87 degrees 58 minutes west along the R. E. Butler land 625 feet, thence south 2 degrees 2 minutes east 906.7 feet, more or less, to the center of Beeswax Creek, thence in a northeasterly direction along said center line of said creek to its intersection with the east boundary of Section 27, thence north 2 degrees 2 minutes west along east boundary of said Section 27 for 517 feet, more or less, to point of beginning. All of the above land situated in Township 21 South, Range 1 East, Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

7 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised from elevation 387.2 feet to its new elevation of 397 feet above mean sea level. An additional 6 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is filled to an elevation of 400 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Walter J. Murphree | 215 South Davis Avenue<br>Sylacauga, Alabama |
| Allene S. Murphree | 215 South Davis Avenue<br>Sylacauga, Alabama |
| Owners Unknown | Names and Addresses Unknown |

BOOK 371 PAGE 114

0519 0196

EXHIBIT A

TRACT NO. 104

SHELBY COUNTY

DESCRIPTION:

A tract of land in the NW¼ of Section 18, Township 24 North, Range 16 East, Shelby County, Alabama, more particularly described as follows:

Commence at the southwest corner of Lot No. 10 of the Rice Acres Subdivision as recorded in Map Book 3 at page 117 in the Probate Office of Shelby County, Alabama; thence run northeasterly along the south boundary of said Lot No. 10 a distance of 182.09 feet to the southeast corner of said Lot No. 10; thence turn an angle of 75 degrees 20 minutes to the left and run along the east boundary of said Lot No. 10 a distance of 80 feet to a point; thence turn an angle of 102 degrees 19 minutes to the left and run a distance of 147.32 feet to a point on the west boundary of said Lot No. 10; thence turn an angle of 58 degrees 53 minutes to the left and run south along the west boundary of said Lot No. 10 a distance of 100 feet to the point of beginning, together with a boat house and pier located on Lay Reservoir northeasterly from the land herein described.

BOOK 071 PAGE 115

ACREAGE TO BE AFFECTED:

0.11 of an acre, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised from elevation 387.2 feet to its new elevation of 397 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| B. G. Sirles, Sr. | 1608 - 28th Avenue South<br>Birmingham, Alabama |
| Thelma Sirles | 1608 - 28th Avenue South<br>Birmingham, Alabama |
| Owners Unknown | Names and Addresses Unknown |

EXHIBIT A

TRACT NO. 126

SHELBY COUNTY

DESCRIPTION:

A tract of land in the SW¼ of NE¼ and the NW¼ of SE¼ of Section 34, Township 24 North, Range 15 East, Shelby County, Alabama, more particularly described as follows:

To reach a point of beginning, commence at the southwest corner of the SW¼ of NE¼ of Section 34 and run east 500 feet for the point of beginning; from such point, run north 150 feet; thence east 83 feet; thence south to the north water's edge of Waxahatchee Creek; thence run in a westerly direction along the meanderings of said creek to a point south of the point of beginning; thence north to the point of beginning, together with one boat house and pier located on Lay Reservoir adjacent to said land.

ACREAGE TO BE AFFECTED:

0.3 of an acre, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised from elevation 382.2 feet to its new elevation of 397 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| W. W. Owens | 1713 Second Avenue West<br>Birmingham, Alabama |
| Pauline B. Owens | 1713 Second Avenue West<br>Birmingham, Alabama |
| Owners Unknown | Names and Addresses Unknown |

BOOK 071 PAGE 116

RECORDED 1968 DEC 13 PM 3:54 JUDGE OF PROBATE

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EXHIBIT A

TRACT NO. 201

TALLADEGA COUNTY

DESCRIPTION:

The SE¼ of NE¼ of Section 32 and that part of the S½ of SW¼ of NW¼ of Section 33 lying west of Narrow Branch, all in Township 21 South, Range 2 East, Talladega County, Alabama

ACREAGE TO BE AFFECTED:

11.2 acres, more or less, of this tract will be completely submerged by Lay Reservoir, when it is raised from elevation 387.2 feet to its new elevation of 397 feet above mean sea level. An additional 1.3 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is filled to an elevation of 398 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| H. F. Roberson | 27 Mayflower Avenue<br>Greenville, South Carolina |
| Helen Roberson | 27 Mayflower Avenue<br>Greenville, South Carolina |
| City National Bank (Mortgagee) | Sylacauga, Alabama |

RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE
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BOOK 671 PAGE 117

EXHIBIT A

TRACT NO. 405

SHELBY COUNTY

DESCRIPTION:

The S½ of S½ of Section 26, Township 24 North, Range 15 East, Shelby County, Alabama, less and except two lots each containing one acre, more or less, situated in the S½ of SE¼ of Section 26, Township 24 North, Range 15 East, being more particularly described as follows:

Exception 1: Begin on the south lineof the S½ of SE¼ of said Section 26, at a point of intersection of the Whitten Road which leads south from the residence of Joe White to Waxahatchee Creek with said south line of said S½ of SE¼ thence from said point of beginning run in a northerly direction along the western boundary line of said Whitten Road a distance of 105 yards to an iron stob; thence run west a distance of 46 yards to an iron stob; thence run in a southerly direction and perallel with the said Whitten Road a distance of 105 yards, more or less, to the south boundary line of said S½ of SE¼ at a point 46 yards west of the point of beginning marked by an iron stob; thence run east to the point of beginning.

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BOOK 071 PAGE 118

Exception 2: Begin on the south line of the S½ of SE¼ of said Section 26, at a point of intersection of the Whitten Road which leads south from the residence of Joe White south to Waxahatchee Creek with said south line of said S½ of SE¼; thence from said point of beginning run in a northerly direction along the western boundary line of said road a distance of 105 yards to an iron stob, thence run east a distance of 46 yards to an iron stob, thence run in a southerly direction and parallel with said Whitten Road a distance of 105 yards to the south boundary line of said S½ of SE¼ marked by an iron stob, which said stob is at a point 46 yards east of the point of beginning; thence

TRACT NO. 405

(Continued)

running west along the south line of said S½ of SE¼ a distance of 46 yards to the point of beginning.

A leasehold interest, expiring December 31, 1966, in a tract of land described as twelve acres in the northeast corner of Section 35, Township 24 North, Range 15 East, Waxahatchee Creek being the south and west boundaries and the section lines of Section 35 being the north and east boundaries.

ACREAGE TO BE AFFECTED:

15.6 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised from elevation 382.2 feet to its new elevation of 397 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

Joe White
Route 1
Shelby, Alabama

Louisa White
Route 1
Shelby, Alabama

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BOOK 071 PAGE 119

EXHIBIT A

TRACT NO. 474

SHELBY COUNTY

DESCRIPTION:

The E½ of SW¼, the NW¼ of SE¼, the NW¼ of SW¼, the SW¼ of SE¼ and the E½ of SW¼ of SW¼, all in Section 27, and the NE¼ of SE¼ of Section 28, all in Township 21 South, Range 1 East.

A tract of land in the NW¼ of NE¼ of Section 34, Township 21 South, Range 1 East, described as follows: Begin at the northwest corner of the NW¼ of NE¼ of Section 34, and run south 15 rods to a wet weather branch, then up said branch in an eastern and thence in a northeastern direction to the section line between Sections 27 and 34, run thence due west along said section line to point of beginning.

A tract of land in the NE¼ of NW¼ of Section 34, Township 21, Range 1 East, described as follows: Begin at the northwest corner of said NE¼ of NW¼ and run thence due south 19 1/2 rods to a ditch, run thence along said ditch in an easterly direction 8 rods, thence along said ditch in a northeasterly direction 26 1/2 rods to the north line of said NE¼ of NW¼, run thence due west 22 1/2 rods to the place of beginning.

A tract of land in the NW¼ of NW¼ of Section 34, Township 21, Range 1 East, described as follows: Commencing at a point on the east boundary line of said forty acre tract of land at a point about 20 1/2 rods, more or less, south of the northeast corner thereof, where a ditch crosses said eastern line and running in a northwestern direction for about 25 rods, more or less, with and along said ditch to a point about 4 1/2 rods south of the north boundary line of said NW¼ of NW¼, thence continuing with and along the line of said ditch in a southwesterly direction a distance of about 9 rods, more or less, to a point on said ditch where said ditch makes a curve and turns in a southwesterly direction and running thence from said point on said ditch due north a distance of 6 rods, more or less, to a point about 28 rods, more or less, west of the northeast corner of said NW¼ of NW¼; thence east to the northeast corner of said forty acre tract of land, thence south to

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BOOK 071 PAGE 120

TRACT NO. 474

(Continued)

the point of beginning.

Less and except one acre reserved for a cemetery and described as follows: Commence at the northwest corner of the NE¼ of SE¼ of Section 28, Township 21 South, Range 1 East, and run thence east a distance of 160 yards to a point - said point being the point of beginning of lot herein excepted, run thence south 70 yards, thence east 70 yards, thence north 70 yards, and west 70 yards to point of beginning.

ACREAGE TO BE AFFECTED:

25.8 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is filled to its new elevation of 397 feet above mean sea level. An additional 18.1 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is filled to an elevation of 400 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| E. D. Farr | Route 2<br>Columbiana, Alabama |
| Doris Helen Farr | Route 2<br>Columbiana, Alabama |
| Larry D. Farr | Route 2<br>Columbiana, Alabama |
| Jo Ray Farr | Route 2<br>Columbiana, Alabama |
| The Federal Land Bank of New Orleans (Mortgagee) | New Orleans, Louisiana |
| Anniston Production Credit Corporation (Mortgagee) | 808 Quintard Avenue<br>Anniston, Alabama |

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EXHIBIT A

TRACT NO. 477

SHELBY COUNTY

DESCRIPTION:

The SW¼ of SW¼ of Section 23, the NW¼ of NW¼ of Section 26, and a tract of land in the NE¼ of NE¼ of Section 27, described as follows: To reach a point of beginning, commence at the northeast corner of said Section 27, thence south 2 degrees 2 minutes east along east boundary of said Section 27 for 427.7 feet, more or less, to point of beginning; from said beginning point, run south 87 degrees 58 minutes west 625 feet, thence south 2 degrees 2 minutes east 906.7 feet, more or less, to the center of Beeswax Creek, thence in an easterly direction down center line of Beeswax Creek to a point of intersection on the east boundary of said Section 27, and center line of Beeswax Creek, thence north 2 degrees 2 minutes west along east boundary of said Section 27 for 517.3 feet,more or less, to point of beginning, all of above situated in Township 21 South, Range 1 East, Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

28 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised from elevation 387.2 feet 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 filled to an elevation of 400 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Earl M. Butler | 3021 Panorama Drive<br>Huntsville, Alabama |
| Martha B. Butler | 3021 Panorama Drive<br>Huntsville, Alabama |
| Owners Unknown | Names and Addresses Unknown |

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BOOK 071 PAGE 122

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EXHIBIT A

TRACT NO. 232

TALLADEGA COUNTY

DESCRIPTION:

A tract of land in Section 24, Township 21 South, Range 1 East, described as follows:

Begin at the southeast corner of the NE¼ of SE¼ of said Section 24; thence south 88 degrees west 2140 feet; thence north 2 degrees west 843 feet; thence south 88 degrees west 500 feet; thence north 2 degrees west 477 feet; thence south 88 degrees west to a point on the west boundary of the right of way line of the Camp Brownie - Fayettville public county road; thence north along the west right of way of said public road a distance of 396 feet to a point where said road turns to the east; thence east along the north right of way of said public road a distance of 96 feet to a corner; thence north a distance of 264 feet to a corner; thence west a distance of 837 feet to a point on Coosa River low water mark; thence in a northerly direction along the low water mark of Coosa River to its intersection with the north boundary of the SE¼ of NW¼ of said Section 24; thence east along the north boundary of the SE¼ of NW¼ and the S½ of NE¼ of said Section 24 to its intersection with the east boundary of said Section 24; thence south 2 degrees east along the east boundary of said Section 24 for 2640 to the point of beginning. Also the SE¼ of SE¼ of Section 24, Township 21, South, Range 1 East, all in Talladega County, Alabama.

BOOK 071 PAGE 123

ACREAGE TO BE AFFECTED:

23.4 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised from elevation 387.2 feet 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 filled to an elevation of 400 feet above mean sea level.

TRACT NO. 232

(Continued)

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Charles L. Camp | 102 East Second Street<br>Sylacauga, Alabama |
| Imogene Camp | 102 East Second Street<br>Sylacauga, Alabama |
| Peoples Bank and Trust Company of Sylacauga (Mortgagee) | 26 N. Norton Avenue<br>Sylacauga, Alabama |

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EXHIBIT A

TRACT NO. 464

SHELBY COUNTY

DESCRIPTION:

A tract of land in the southeast part of the SE¼ of NE¼ of Section 12, Township 24 North, Range 15 East, Shelby County, Alabama, more particularly described as follows: To reach a point of beginning, commence at the southwest corner of SE¼ of NE¼ of said Section 12, thence north 86 degrees 30 minutes east along the south line of said SE¼ of NE¼ 1016.75 feet, more or less, to the southeast corner of the property of A. V. Glasscock, which is the point of beginning of property herein described; from said beginning point, run north 3 degrees 30 minutes west parallel with west line of said SE¼ of NE¼ a distance of 417.6 feet, more or less, to the south line of the Annette M. Mills property, thence north 86 degrees 30 minutes east parallel with south line of said SE¼ of NE¼ a distance of 205.8 feet,more or less, to a point on the west bank of the Coosa River, thence south along said west bank of Coosa River, to a point on the south line of said SE¼ of NE¼ thence south 86 degrees 30 minutes west along south line of said SE¼ of NE¼ 208 feet,more or less, to the point of beginning, together with an easement or right-of-way as conveyed to grantor by deed dated December 28, 1951 and recorded in Deed Book 150 at page 201 in Office of the Judge of Probate, Shelby County, Alabama.

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SHELBY COUNTY
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ACREAGE TO BE AFFECTED:

0.6 of an acre, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised from elevation 387.2 feet to its new elevation of 397 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| George F. Seier | Route 1, Box 254A<br>Camp Branch<br>Siluria, Alabama 35144 |
| Page H. Seier | Route 1, Box 254A<br>Camp Branch<br>Seluria, Alabama 35144 |
| Owners Unknown | Names and Addresses Unknown |

EXHIBIT A

TRACT NO. 447

SHELBY COUNTY

DESCRIPTION:

The SE¼ of SW¼, SW¼ of SE¼, NE¼ of SW¼ less eight acres in the northwest corner thereof, and eight acres on south side of NW¼ of SE¼, all in Section 11, and the NE¼ of NW¼ of Section 14, all in Township 24 North, Range 15 East, Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

9.4 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is filled to its new elevation of 397 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

Elmer Carden — Mulga, Alabama

Owners Unknown — Names and Addresses Unknown

BOOK 071 PAGE 126

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EXHIBIT A

TRACT NO. 188

SHELBY COUNTY

DESCRIPTION:

Lot 4 in Block 6 and Lot 8 in Block 5 of Pine Grove Camp Subdivision, according to the map thereof recorded in Map Book 4 at page 8 in the Probate Office of Shelby County, Alabama, mineral and mining rights excepted.

ACREAGE TO BE AFFECTED:

0.089 of an acre, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised from elevation 387.2 feet to its new elevation of 397 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| A. V. Jannett | 1533 - 41st Street West<br>Birmingham 8, Alabama |
| Lela E. Jannett | 1533 - 41st Street West<br>Birmingham 8, Alabama |
| Dudley E. Morgan | 6171 Crabtree Road<br>Columbia, South Carolina |
| Billie J. Morgan | 6171 Crabtree Road<br>Columbia, South Carolina |
| Owners Unknown | Names and Addresses Unknown |

BOOK 071 PAGE 127

0531 0209

EXHIBIT A

TRACT NO. 465

SHELBY COUNTY

DESCRIPTION:

The $SE\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 21, less that part lying southwest of Beeswax Creek; that part of $NE\frac{1}{4}$ of $SE\frac{1}{4}$ of said Section 21 lying southeast of the Old Montgomery Public Road; that part of the $SW\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 21, lying north of Beeswax Creek and south of the Old Montgomery Public Road.

That part of the $NE\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 28, which lies north and east of Beeswax Creek.

The $NW\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 27, except eight (8) acres, more or less, owned by Harold J. Hall, described as: Beginning at the southwest corner of said $NW\frac{1}{4}$ of $NW\frac{1}{4}$ of said Section 27 and run east along the south boundary of said $NW\frac{1}{4}$ of $NW\frac{1}{4}$ to Crumpton Branch; run thence along the thread of said branch with its meanderings in a northerly direction to its confluence with Beeswax Creek; run thence in a northwesterly direction along the thread of Beeswax Creek with its meanderings to its intersection with the line between Sections 27 and 28; run thence south along said section line to the point of beginning.

All situated in Township 21 South, Range 1 East, Shelby County, Alabama.

BOOK 071 PAGE 128

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ACREAGE TO BE AFFECTED:

28.2 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is filled to its new elevation of 397 feet above mean sea level. An additional 12.4 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is filled to an elevation of 400 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| G. L. Templin | Route 2, Box 14<br>Columbiana, Alabama |
| Addis McGrady Templin | Route 2, Box 14<br>Columbiana, Alabama |

TRACT NO. 465

(Continued)

| | |
|---|---|
| The Federal Land Bank of New Orleans (Mortgagee) | P. O. Box 50590 New Orleans, Louisiana 70150 |
| Owners Unknown | Names and Addresses Unknown |

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BOOK 071 PAGE 129

EXHIBIT A

TRACT NO. 433

SHELBY COUNTY

DESCRIPTION:

The N½ of S½ of NE¼ of Section 11, Township 24 North, Range 15 East, and a tract of land in the N½ of SW¼ of NW¼ of Section 12, Township 24 North, Range 15 East, Shelby County, Alabama, more particularly described as follows: Begin at the northwest corner of the SW¼ of NW¼ of said Section 12; thence north 85 degrees 46 minutes east along the north line of said SW¼ of NW¼ 846.8 feet; thence south 2 degrees 38 minutes east 432.75 feet; thence west along the north line of the C. E. Thompson property 846.7 feet to the west line of said SW¼ of NW¼; thence north 2 degrees 40 minutes west along the west line of said SW¼ of NW¼ 428.6 feet, more or less, to the point of beginning.

ACREAGE TO BE AFFECTED:

12.7 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is filled to its new elevation of 397 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| T. R. Thompson | Route 1<br>Shelby, Alabama |
| Dorothy B. Thompson | Route 1<br>Shelby, Alabama |
| Owners Unknown | Names and Addresses Unknown |

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EXHIBIT A

TRACT NO. 137

SHELBY COUNTY

DESCRIPTION:

A tract of land in the SE¼ of NW¼ of Section 34, Township 24 North, Range 15 East, Shelby County, Alabama, being more particularly described as follows:

Begin at the southeast corner of the SE¼ of NW¼ of said Section 34; thence run north 200 feet, thence west 67 feet; thence south 200 feet to the south line of the said SE¼ of NW¼; thence east 67 feet to the point of beginning, together with a boat house and pier located on Lay Reservoir Southerly from said land.

ACREAGE TO BE AFFECTED:

0.2 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised from elevation 382.2 feet to its new elevation of 397 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| David B. Hudson | 2216 - 31st Street S.W.<br>Birmingham, Alabama |
| Pearl M. Hudson | 2216 - 31st Street S. W.<br>Birmingham, Alabama |
| Owners Unknown | Names and Addresses Unknown |

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BOOK 0531 PAGE 0213

BOOK 0711 PAGE 131

EXHIBIT A

TRACT NO. 133

SHELBY COUNTY

DESCRIPTION:

A tract of land in the SW¼ of NE¼ and the NW¼ of SE¼ of Section 34, Township 24 North, Range 15 East, Shelby County, Alabama, more particularly described as follows:

To reach a point of beginning, commence at the southwest corner of the SW¼ of NE¼ of Section 34 and run east 50 feet to the point of beginning; from said point of beginning run north 150 feet; thence east 100 feet; thence south 162 feet more or less to a point of intersection with the north water's edge of Waxahatchee Creek; thence west following the meanderings of said north water's edge of said creek to a point on said north water's edge south of the point of beginning; thence north 22 feet more or less to the point of beginning, together with a pier located on Lay Reservoir adjacent to said land.

ACREAGE TO BE AFFECTED:

0.2 of an acre, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised from elevation 382.2 feet to its new elevation of 397 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Hubert E. Moore | 503 Avenue N<br>Lipscomb, Alabama |
| Hubert E. Moore, Jr., a minor 14 years of age | 503 Avenue N<br>Lipscomb, Alabama |
| Owners Unknown | Names and Addresses Unknown |

BOOK 071 PAGE 132

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EXHIBIT A

TRACT NO. 211-1 & 2

TALLADEGA COUNTY

DESCRIPTION:

(1) The W½ of SE¼ of Section 27, Township 21 South, Range 2 East, less and except that part of the NW¼ of SE¼ of said Section 27, that belongs to Antioch Church; the E½ of NE¼ and that part of the NW¼ of NE¼ of Section 34, Township 21 South, Range 2 East, that lies North of Cedar Creek.

(2) The W½ of NE¼ and Fractions "B" and "C" of Section 6, Township 22 South, Range 2 East, all of the above described property in Talladega County, Alabama.

ACREAGE TO BE AFFECTED:

11.9 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised from elevation 387.2 feet to its new elevation of 397 feet above mean sea level. An additional 6.9 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is filled to an elevation of 398 feet above mean sea level.

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BOOK 071 PAGE 133

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| ✓ Sadie Pauline Edwards Barnard | c/o River Terrace Motel<br>Childersburg, Alabama |
| ✓ Ray R. Edwards | Fayettville, Alabama |
| ✓ Katherine H. Edwards | Fayettville, Alabama |
| ✓ Pearl Eppley (Mortgagee) | 524 Telegraph Road<br>Elyria, Ohio |

EXHIBIT A

TRACT NO. 490

SHELBY COUNTY

DESCRIPTION:

A tract of land in the NW¼ and W½ of W½ of NE¼ of Section 13, Township 21 South, Range 1 East, Shelby County, Alabama, described as follows: Begin at the northeast corner of the W½ of NW¼ of NE¼ of Section 13, and run thence west along the north line of said Section 13 for a distance of 3300 feet more or less, to the northwest corner of the said Section 13; thence run south along the west line of said Section 13, for a distance of 2640 feet, more or less, to the southwest corner of the NW¼ of said Section 13; thence run east along the south line of the said NW¼ for a distance of 2640 feet, more or less, to the southeast corner of NW¼, thence run north 660 feet to a point; thence run 660 feet, more or less, to a point on the east boundary line of the W½ of W½ of NE¼ of said Section 13; thence north along the said east line to the point of beginning.

All that part of the E½ of NE¼ of Section 14, Township 21 South, Range 1 East, Shelby County, Alabama, lying east of old Montgomery Dirt Road and east of old run of Bullies Creek and being described as follows: Begin at northeast corner of the E½ of NE¼ and run south along said section line to the southeast corner of the SE¼ of NE¼; run thence west along south line of SE¼ of NE¼ to old run of Bullies Creek; run thence in a northerly direction along said Creek to its intersection with old road; run thence northeasterly along the old road to the north line of NE¼ of NE¼; run thence east to the point of beginning.

ACREAGE TO BE AFFECTED:

50.2 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is filled to its new elevation of 397 feet above mean sea level. An additional 29.5 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is filled to an elevation of 401 feet above mean sea level.

BOOK 071 PAGE 134

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SHELBY COUNTY
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TRACT NO. 490

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NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| O. C. Crumpton | Route 2<br>Wilsonville, Alabama |
| Beatrice Crumpton | Route 2<br>Wilsonville, Alabama |
| Farmers Home Administration<br>(Mortgagee) | Columbiana, Alabama |
| Owners Unknown | Names and Addresses Unknown |

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BOOK 071 PAGE 135

EXHIBIT A

TRACT NO. 430

SHELBY COUNTY

DESCRIPTION:

A tract of land described as follows: To reach a point of beginning, commence at northwest corner of SW¼ of NE¼ of Section 7, Township 22 South, Range 2 East, and run thence easterly along the north boundary thereof 400 feet; thence turn an angle of 90 degrees, 38 minutes 10 seconds left and run thence northerly and parallel with the west boundary of said NE¼ of said Section 7, to the west boundary of the Coosa River for point of beginning from said beginning point run south and parallel with the west boundary of said NE¼ of said Section 7 to a point 200 feet south of north boundary of said SE¼ of NE¼; thence easterly and parallel with the north boundary of said SW¼ of NE¼ to the intersection with the Coosa River; thence along the margin of the Coosa River to point of beginning.

All that part of Section 8 and Section 17, Township 22 South, Range 2 East, lying West of the Coosa River.

A tract of land described as follows: To reach a point of beginning, commence at the southeast corner of Section 7, Township 22 South, Range 2 East, and run thence north along east boundary of said Section 400 feet to point of beginning; thence run westerly and parallel with the south boundary of said Section 770 feet; thence run northerly parallel with the east boundary of said Section 7 to a point 1000 feet north of south boundary of NE¼ of SE¼ of Section 7; thence westerly and parallel with north boundary of said NE¼ of SE¼ 550 feet to the west boundary of said NE¼ of SE¼; thence northerly along west boundary thereof to northwest corner thereof; thence easterly along North boundary thereof to the west margin of the Coosa River; thence southeasterly along west margin of said Coosa River to its intersection with the east boundary of said Section 7; thence southerly along east boundary of said Section 7 to the point of beginning.

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BOOK 671 PAGE 136

TRACT NO. 430

(Continued)

There is excepted from the above described land Lots 3, 7, 9, 10, 11, 12, 13, 15, 16 and 23, and the acreage in the bend of River Drive between Lots 11 and 12, all according to the map of Shelby Shores Subdivision, Inc. as recorded in Map Book 4, at page 75 in the Office of the Judge of Probate of Shelby County, Alabama, said acreage in the bend of River Drive between said Lots 11 and 12 being more particularly described as follows:

Commence at the Northwest corner of Lot 11 in Shelby Shores, map of which is recorded in the Probate Office of Shelby County, Alabama in Map Book 4, page 75 and run thence Southwesterly along the Southeast boundary of River Drive a distance of 130 feet for a point of beginning, said point of beginning being the Western-most corner of the lot conveyed to Robert F. McLeroy and wife by deed recorded in the Probate Office of Shelby County, Alabama in Deed Book 229, page 842; thence running Southerly along the meanderings of River Drive to its intersection with the Southwest corner of Lot 12 according to map of said Subdivision; thence run Northerly along the West boundary of said Lot 12 a distance of 315.79 feet to the Northwest corner of said Lot 12; thence Northerly 128.73 feet to the Easterly corner of Lot No. 11 according to said Subdivision; thence Southwesterly along the Southeast boundary of said Lot 11 a distance of 160 feet; thence continue Southwesterly along the boundary of lot sold to Robert F. McLeroy and wife by deed recorded in said Probate Office in Deed Book 229, page 842 to the Southernmost corner of said McLeroy lot; thence Northwesterly along the Southwesterly boundary of said McLeroy lot to the point of beginning.

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BOOK 071 PAGE 137

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ACREAGE TO BE AFFECTED:

7.9 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised from elevation 387.2 feet to its new elevation of 397 feet above mean sea level. An additional 1.9 acres, more or less, of such tract

TRACT NO. 430

(Continued)

will be subject to flooding from time to time when Lay Reservoir is filled to an elevation of 398 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Shelby Shores, Inc. | 1020 South 22nd Street<br>Birmingham, Alabama |
| Owners Unknown | Names and Addresses Unknown |

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BOOK 071 PAGE 138

EXHIBIT A

TRACT NO. 400

SHELBY COUNTY

DESCRIPTION:

All that part of the NE¼ of SE¼ of Section 34, Township 24 North, Range 15 East, Shelby County, Alabama, lying North of Waxahatchee Creek and Lot No. 19 of Benson's Camp Subdivision according to Map thereof recorded in Map Book 4 at page 28 in the Office of the Judge of Probate of Shelby County, Alabama. There is excepted from the above described lands the remaining lots of said Benson's Camp Subdivision and eight parcels of land described as follows:

Exception 1: Commence at the northeast corner of the NE¼ of SE¼ of said Section 34, and run thence west 670 feet along the north boundary line of said NE¼ of SE¼ to a point; run thence south parallel to the east line of said NE¼ of SE¼ a distance of 301 feet to a 4½ inch square concrete post; run thence south 87½ degrees west 70 feet to the point of beginning of the tract or parcel of land herein described; from such point of beginning run thence south 16 degrees west 124 feet and 4 inches to a point; run thence south 87 degrees west 50 feet to a point; run thence north 22 degrees east 130 feet to a point; run thence north 87½ degrees east 35 feet to the point of beginning.

Exception 2: Commence at the northeast corner of the NE¼ of SE¼ of said Section 34, and run south along the east line of said NE¼ of SE¼ a distance of 128.11 feet, to the south margin of a gravel road and the point of beginning; thence continue south along the east line of said NE¼ of SE¼ a distance of 166.69 feet, thence turn an angle of 66 degrees 46 minutes to the right and run a distance of 36.05 feet, thence turn an angle of 77 degrees 17 minutes to the right and run a distance of 36.71 feet, thence turn an angle of 44 degrees 24 minutes to the right and run along the east bank of a drain, a distance of 126.70 feet, to the south margin of said gravel road,

BOOK 071 PAGE 139

0531 0221

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thence turn an angle of 45 degrees 52 minutes to the right and run along the south margin of said gravel road, a distance of 44.35 feet, to the point of beginning.

Exception 3: Commence at the northeast corner of the NE¼ of SE¼ of said Section 34; thence west along north line of NE¼ of SE¼ a distance of 670 feet to a point; thence south parallel to the east line of said forty a distance of 301 feet; thence east parallel to the north line of said forty a distance of 35 feet to the point of beginning; thence south 8 degrees east 105 feet to a point; thence north 67 degrees east 50 feet to a point; thence north 12 degrees west 90 feet to a point; thence west parallel to the north line of said NE¼ of SE¼ a distance of 40 feet to the point of beginning.

Exception 4: Commence at the northeast corner of the NE¼ of SE¼ of said Section 34, and run thence west 670 feet along the north boundary line of said NE¼ of SE¼ to a point; run thence south parallel to east line of said NE¼ of SE¼ a distance of 301 feet to a four and one-half inchsquare concrete post, the point of beginning of the lot herein described; run thence south parallel to east line of said NE¼ of SE¼ a distance of 109 feet to a point; run thence south 82 degrees west a distance of 49 feet to a point; run thence north 9 degrees west 116 feet and 9 inches to a point; run thence east parallel to the north boundary line of said NE¼ of SE¼ a distance of 35 feet to the point of beginning.

Exception 5: Commence at the northeast corner of the NE¼ of SE¼ of said Section 34, and run thence west 670 feet along the north boundary line of said NE¼ of SE¼ to a point; run thence south parallel to east line of said NE¼ of SE¼ a distance of 301 feet to a four and one-half inch square concrete post; run thence south 87½ degrees west 105 feet to the point of beginning of the lot herein described; from said point of beginning run thence south 22 degrees west 130 feet to a point; run thence north 74 degrees west 50 feet to a point; run thence north 27 degrees east 125 feet and 7 inches to a point;

BOOK 671 PAGE 140

86-11-7 RECORDED 13 OCT 86 10 22 22

TRACT NO. 400

(Continued)

run thence north 87½ degrees east 35 feet to the point of beginning.

Exception 6: Commence at the northeast corner of the NE¼ of SE¼ of said Section 34, and run thence west 670 feet along the north boundary line of said NE¼ of SE¼ to a point; run thence south parallel to east line of said NE¼ of SE¼ a distance of 301 feet to a four and one-half inch square concrete post; run thence south 87½ degrees west 140 feet to the point of beginning; from such point of beginning, run thence south 27 degrees west 125 feet and 7 inches to a point; run thence north 40 degrees west 50 feet to a point; run thence north 80 degrees east 89 feet and 5 inches to a point; run thence north 87½ degrees east 40 feet to the point of beginning.

Exception 7: Commence at the northeast corner of the NE¼ of SE¼ of said Section 34, and run thence west 670 feet along the north boundary line of said NE¼ of SE¼ to a point; run thence south parallel to east line of said NE¼ of SE¼ a distance of 301 feet to a four and one-half inch square concrete post; run thence south 87½ degrees west 35 feet to the point of beginning; from such point of beginning run south 9 degrees east 116 feet and 9 inches to a point; run thence south 85 degrees west 50 feet to a point; run thence north 16 degrees east 124 feet and 4 inches to a point; run thence north 87½ degrees east 35 feet to the point of beginning.

Exception 8: Commence at the northeast corner of NE¼ of SE¼ of said Section 34; thence west along north line of said NE¼ of SE¼ a distance of 670 feet to a point; thence south parallel to the east line of said NE¼ of SE¼ a distance of 301 feet to the point of beginning; from such point of beginning continue south parallel to the east line of said NE¼ of SE¼ a distance of 109 feet to a point; thence east parallel

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BOOK 071 PAGE 141

TRACT NO. 400

(Continued)

to the north line of said NE¼ of SE¼ a distance of 50 feet to a point; thence north 8 degrees west a distance of 105 feet to a point; thence west parallel to the north line of said NE¼ of SE¼ a distance of 35 feet to the point of beginning.

ACREAGE TO BE AFFECTED:

3.1 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised from elevation 382.2 feet to its new elevation of 397 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

Sadie Benson

Route 1
Shelby, Alabama

Owners Unknown

Names and Addresses Unknown

0531 0224

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DEED BOOK 271 PAGE 142
FILE NO.
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BOOK 071 PAGE 142

EXHIBIT A

TRACT NO. 431

SHELBY COUNTY

DESCRIPTION:

The E½ of SE¼ and the SW¼ of SE¼ of Section 1; the E½ of E½ and the NW¼ of NE¼ of Section 12; and the E½ of NE¼ of Section 13, all in Township 22 South, Range 1 East, Shelby County, Alabama.

All that part west of the Coosa River of Fractional Sections 6, 7, 8 and 17; the N½ of NW¼ and Fractions A, B, C & D (being all of the East half of Section north and west of Coosa River) in Fractional Section 13 all in Township 22 South, Range 2 East, Shelby County, Alabama.

There is excepted from the above described lands the property conveyed to Shelby Shores, Inc. by deed dated September 12, 1962 recorded in Deed Book 222 at page 338 in the Office of the Judge of Probate of Shelby County, Alabama, being more particularly described as follows:

Commence at the northwest corner of the SW¼ of NE¼ of Section 7, Township 22 South, Range 2 East and run thence easterly along the north boundary of said SW¼ of NE¼ 400 feet; thence turn an angle of 90 degrees 38 minutes 10 seconds left and run thence northerly and parallel with the west boundary of said NE¼ to the west boundary of the Coosa River for point of beginning; thence south and parallel with the west boundary of said NE¼ to a point 200 feet south of north boundary of said SW¼ of NE¼; thence easterly and parallel with the north boundary of said SW¼ of NE¼ to the intersection with the Coosa River; thence along the margin of the Coosa River to point of beginning.

All that part of Section 8 and Section 17, in Township 22 South, Range 2 East lying west of the Coosa River.

Also a tract of land described as follows:

Commence at the southeast corner of Section 7, Township 22 South, Range 2 East and run thence north along

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BOOK 071 PAGE 143

east boundary of said Section 400 feet to point of beginning; thence run westerly and parallel with the south boundary of said Section 770 feet; thence run northerly parallel with the east boundary of said Section 7 to a point 1000 feet north of south boundary of NE¼ of SE¼ of Section 7, Township 22 South, Range 2 East; thence westerly and parallel with north boundary of said NE¼ of SE¼ 550 feet to the west boundary of said NE¼ of SE¼; thence northerly along west boundary of said NE¼ of SE¼ to northwest corner of said NE¼ of SE¼; thence easterly along north boundary of said NE¼ of SE¼ to the west margin of the Coosa River, thence southeasterly along west margin of said Coosa River to its intersection with the east boundary of said Section 7, thence southerly along east boundary of said Section 7 to the point of beginning.

There is also excepted that portion of said land conveyed to J. T. Jones and Geraldine F. Jones by deed dated December 7, 1964 recorded in Deed Book 233 at page 832 in said Probate Office being more particularly described as follows:

Commence at the southwest corner of SE¼ of NE¼ of Fractional Section 13, Township 22 South, Range 1 East, thence run north 2 degrees 00 minutes west along west boundary of SE¼ of NE¼ of said Fractional Section 13 a distance of 200.35 feet to the point of beginning; thence continue north 2 degrees 00 minutes west a distance of 101.3 feet to a point; thence turn an angle of 41 degrees 03 minutes to the right and run north 39 degrees 03 minutes east a distance of 350.0 feet to a point; thence turn an angle of 8 degrees 10 minutes to the left and run north 30 degrees 53 minutes east a distance of 100.0 feet to a point; thence turn an angle of 114 degrees 24 minutes to the right and run south 34 degrees 43 minutes east a distance of 218.0 feet to a point; (Continued)

BOOK 671 PAGE 144

0531 0226

TRACT NO. 431

(Continued)
(Page 3)

thence turn an angle of 73 degrees 24 minutes to the right and run south 38 degrees 41 minutes west a distance of 232.20 feet to a point; thence turn an angle of 1 degree 18 minutes to the right and run south 39 degrees 59 minutes west a distance of 217.80 feet to a point; thence turn an angle of 70 degrees 49 minutes to the right and run north 69 degrees 12 minutes west a distance of 28.4 feet to a point; thence turn an angle of 15 degrees 10 minutes to the right and run north 54 degrees 02 minutes west a distance of 90.2 feet to a point; thence continue north 54 degrees 02 minutes west a distance of 8.80 feet to the point of beginning.

Also, commence at the southwest corner of the SE¼ of NE¼ of Fractional Section 13, Township 22 South, Range 1 East, thence run north 2 degrees 00 minutes west along the west boundary of the SE¼ of NE¼ of said Fractional Section 13 a distance of 301.65 feet to a point; thence turn an angle 41 degrees 03 minutes to the right and run north 39 degrees 03 minutes east a distance of 350.0 feet to a point; thence turn an angle of 8 degrees 10 minutes to the left and run north 30 degrees 53 minutes east a distance of 100 feet to the point of beginning; thence turn an angle of 9 degrees 31 minutes to the left and run north 21 degrees 22 minutes east a distance of 150.0 feet to a point; thence turn an angle of 6 degrees 57 minutes to the left and run north 14 degrees 25 minutes east a distance of 350.0 feet to a point; thence turn an angle of 131 degrees 31 minutes to the right and run south 34 degrees 04 minutes east a distance of 255.9 feet to a point; thence turn an angle of 44 degrees 07 minutes to the right and run south 10 degrees 03 minutes west a distance of 7.60 feet to a point; thence turn an angle of 10 degrees 36 minutes to the left and run south 0 degrees 33 minutes east a distance of 170.75 feet to a point; thence turn an angle of 19 degrees 22 minutes to

BOOK 071 PAGE 145

0531 0827

the right and run south 18 degrees 49 minutes west a distance of 181.15 feet to a point; thence turn an angle of 29 degrees 10 minutes to the right and run south 47 degrees 59 minutes west a distance of 127.60 feet to a point; thence turn an angle of 9 degrees 18 minutes to the left and run south 38 degrees 41 minutes west a distance of 12.9 feet; thence turn an angle of 106 degrees 36 minutes to the right and run north 34 degrees 43 minutes west a distance of 218.0 feet to the point of beginning.

Said parcels of land are situated in Shelby County, Alabama in the SE¼ of NE¼ of Fractional Section 13, Township 22 South, Range 1 East.

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ACREAGE TO BE AFFECTED:

172.5 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised from elevation 387.2 feet to its new elevation of 397 feet above mean sea level. An additional 22.9 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is filled to an elevation of 398 feet above mean sea level.

BOOK 0571 PAGE 146

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Wales W. Wallace, Jr. | Columbiana, Alabama |
| Elizabeth T. Wallace | Columbiana, Alabama |
| George M. Horn | Columbiana, Alabama |
| Ione K. Horn | Columbiana, Alabama |
| Roy Downs | Calera, Alabama |
| Elizabeth P. Downs | Calera, Alabama |
| Conrad M. Fowler | Columbiana, Alabama |
| Virginia Fowler | Columbiana, Alabama |
| Margaret Christie | Orange County, Texas |
| Harold Hall | Columbiana, Alabama |

TRACT NO. 431

(Continued)
(Page 5)

| | |
|---|---|
| Christine Hall | Columbiana, Alabama |
| The First National Bank of Birmingham - Bessemer Branch (Mortgagee) | Bessemer, Alabama |
| Owners Unknown | Names and Addresses Unknown |

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FILE

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BOOK 071 PAGE 147

EXHIBIT A

TRACT NO. 492

SHELBY COUNTY

DESCRIPTION:

A tract of land in Sections 13, 14, 23 and 24, Township 21 South, Range 1 East, Shelby County, Alabama, described as follows: Commencing at the southwest corner of the N½ of NE¼ of NE¼ of Section 23, and run in an easterly direction parallel with the north boundary of said Section 23 and said Section 24 to the west bank of Coosa River; run thence upstream in a northeasterly direction with said river to the confluence of the Wilsonville branch, also known as Brasher branch; run thence up said branch with its meanders to its intersection with the east and west median line of Section 13; run thence in a westerly direction along said median line to the southeast corner of the SW¼ of NE¼ of said Section 13; run thence in a northernly direction and parallel with the north and south median line of said Section a distance of 660 feet; run thence west and parallel with the east and west median line of said Section 1320 feet to the north and south median line of said Section 13; run thence in a southerly direction along said median line 660 feet to the center of said Section 13; run thence in a westerly direction along the east and west median line of said Section 13 and east and west median line of Section 14 to Bulley's Creek; run thence in a southerly direction down said creek with its meanders to a point which is located as follows: Commencing at a point on the west boundary of the NE¼ of SE¼ of said Section 14, which is 50 feet south of northwest corner of said NE¼ of SE¼; run thence south 6 degrees east 335.9 feet; run thence south 24 degrees 15 minutes east 352.8 feet; run thence south 31 degrees east 374.8 feet; run thence south 26 degrees 30 minutes east 359 feet to said point on said creek; run thence in a southwesterly direction 444 feet to a point on the west boundary of SE¼ of SE¼ of said Section 14, which is 200 feet south of northwest corner of said SE¼ of SE¼ of said Section 14; run thence in a southerly direction along the west boundary of said

BOOK 071 PAGE 148

STATE OF ALABAMA SHELBY COUNTY I CERTIFY THIS INSTRUMENT WAS FILED 95 JUL 31 PM 2:30 RECORDED IN REAL RECORDS

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TRACT 492

(Continued)

SE¼ of SE¼ of said Section 14 and the west boundary of NE¼ of NE¼ of Section 23 to point of beginning.

ACREAGE TO BE AFFECTED:

109.9 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised from elevation 387.2 feet to its new elevation of 397 feet above mean sea level. An additional 49.1 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is filled to an elevation of 401 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Albert M. Lokey | Route 2<br>Wilsonville, Alabama |
| Frances M. Lokey | Route 2<br>Wilsonville, Alabama |
| Farmers Home Administration<br>(Mortgagee) | Columbiana, Alabama |
| Owners Unknown | Names and Addresses Unknown |

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85 MAR 13 PM 2:38
JUDGE OF PROBATE

0231 0231

BOOK 071 PAGE 149

EXHIBIT A

TRACT NO. 432

SHELBY COUNTY

DESCRIPTION:

All that part of the SE¼ of NE¼ of Section 12, Township 24 North, Range 15 East, Shelby County, Alabama, lying south and west of Spring Creek, together with cottages, boat houses and piers and improvements owned by various Lessees as specified below, less and except two parcels of land described as follows:

EXCEPTION 1: A parcel of land in the SE¼ of NE¼ of Section 12, Township 24 North, Range 15 East, Shelby County, Alabama, more particularly described as follows:

Commence at the southwest corner of the SE¼ of NE¼ of said Section 12, thence east along the south line of said SE¼ of NE¼ 1016.75 feet more or less to the southwest corner of the George F. Seier property, thence turn an angle of 90 degrees to the left and run north 417.8 feet more or less along the west line of said George F. Seier property to the northwest corner of said Seier property which is the point of beginning; thence turn an angle of 90 degrees to the left and run west 207.85 feet more or less to the southeast corner of Lot 9, Block 10 of Glasscock's Subdivision, thence turn an angle of 93 degrees 30 minutes to the right and run north 320 feet, thence turn an angle of 53 degrees 37 minutes to the right and run in an easterly direction 211.8 feet more or less to a point on the high water line of Spring Creek, thence in a southeasterly direction along and following said water line to a point that would be in a straight line with the southeast corner of Lot 9, Block 10 of Glasscock's Subdivision and the point of beginning, said point being 311 feet, more or less, east of the point of beginning, thence West 311 feet more or less along the north line of the George F. Seier property to the point of beginning.

BOOK 071 PAGE 150

0530 0232

TRACT NO. 432

(Continued)

EXCEPTION 2: A parcel of land in the southeast part of the SE¼ of NE¼ of Section 12, Township 24 North, Range 15 East, Shelby County, Alabama, more particularly described as follows:

Commence at the southwest corner of SE¼ of NE¼ of said Section 12, thence north 86 degrees 30 minutes east along the south line of said SE¼ of NE¼ 1016.75 feet more or less to the southeast corner of the property of A. V. Glasscock, which is the point of beginning; thence north 3 degrees 30 minutes west parallel with west line of said SE¼ of NE¼ a distance of 417.6 feet more or less to the south line of the Annette M. Mills property, thence north 86 degrees 30 minutes east parallel with south line of said SE¼ of NE¼ a distance of 205.9 feet more or less to a point on the west bank of the Coosa River, thence south along said west bank of Coosa River to a pointon the south line of said SE¼ of NE¼ thence south 86 degrees 30 minutes west along south line of said SE¼ of NE¼ 208 feet more or less to the point of beginning.

BOOK 071 PAGE 151

0531 0233

There is also excepted the following lots: Lot 5 of Block 2, Lot 4 of Block 3, Lots 1, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 of Block 5, Lots 5, 6, 9, and 10 of Block 7, Lots 3, 9, 10 and 11 of Block 9, Lots 4, 5, 6, 7 and 8 of Block 10 in Glasscock's Subdivision of Spring Creek according to the map recorded in Map Book 4 at page 23 in the Probate Office of Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

5.37 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised from elevation 387.2 feet to its new elevation of 397 feet above mean sea level.

TRACT NO. 432

(Continued)

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| A. V. Glasscock | Route 1<br>Shelby, Alabama |
| Ada K. Glasscock | Route 1<br>Shelby, Alabama |

Tract No. 432-A: Cottage and Pier

| | |
|---|---|
| Barney D. Jefferson(Lessee) | 1312 - 3rd Avenue West<br>Birmingham, Alabama |
| Lillie Mae Jefferson(Lessee) | 1312 - 3rd Avenue West<br>Birmingham, Alabama |

Tract No. 432-B: Cottage and Two Piers

| | |
|---|---|
| Charles Stephens (Lessee) | 2325 Beulah Avenue<br>Birmingham, Alabama |
| Hattie Stephens (Lessee) | 2325 Beulah Avenue<br>Birmingham, Alabama |

Tract No. 432-C: Cottage

| | |
|---|---|
| Sam J. Hawkins (Lessee) | 3365 Crescent Drive<br>Hueytown, Alabama |
| Iris Hawkins (Lessee) | 3365 Crescent Drive<br>Hueytown, Alabama |

Tract No. 432-D: Cottage and Pier

| | |
|---|---|
| James L. McBride, Sr. (Lessee) | 316-13th Avenue N. W.<br>Birmingham, Alabama |
| Esther McBride (Lessee) | 316-13th Avenue N. W.<br>Birmingham, Alabama |
| James L. McBride, Jr.(Lessee) | 314-13th Avenue N. W.<br>Birmingham, Alabama |
| Sonia McBride (Lessee) | 314-13th Avenue N. W.<br>Birmingham, Alabama |

Tract No. 432-E: Cottage, Garage and Pier

| | |
|---|---|
| W. C. Dantzler (Lessee) | 711-10th Avenue South<br>Birmingham, Alabama |
| Ruth H. Dantzler (Lessee) | 711-10th Avenue South<br>Birmingham, Alabama |

Tract No. 432-F: Cottage and Pier

| | |
|---|---|
| C. H. Browning (Lessee) | 2813 Vestavia Forrest Place<br>Birmingham, Alabama |
| Lula Agnes Browning(Lessee) | 2813 Vestavia Forrest Place<br>Birmingham, Alabama |

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TRACT NO. 432

(Continued)

Tract No. 432-G: Cottage

| | |
|---|---|
| Ruby Gladys (Gladdis) Walker (Lessee) | 133 Avonlon Avenue<br>Hueytown, Alabama |
| Kathleen W. Strickland (Lessee) | 133 Avonlon Avenue<br>Hueytown, Alabama |

Tract No. 432-H: Cottage

| | |
|---|---|
| James E. Armstrong (Lessee) | 101 Rowan Road<br>Leeds, Alabama |
| Jo Ann Armstrong (Lessee) | 101 Rowan Road<br>Leeds, Alabama |
| Fred W. Maddox (Lessee) | 101 Ashville Road<br>Leeds, Alabama |
| Velma S. Maddox (Lessee) | 101 Ashville Road<br>Leeds, Alabama |

Tract No. 432-I: Cottage

| | |
|---|---|
| William G. Kreshka (Lessee) | 7101 - 1st Avenue North<br>Birmingham, Alabama |

Tract No. 432-J: Trailer Porch, Storage Building and Pier

| | |
|---|---|
| Thomas A. Dickerson (Lessee) | 533 North 89th Street<br>Birmingham, Alabama |
| Jean P. Dickerson (Lessee) | 533 North 89th Street<br>Birmingham, Alabama |
| George A. Dalton (Lessee) | 125 Rosebud Drive<br>Birmingham, Alabama |
| Doris Dalton (Lessee) | 125 Rosebud Drive<br>Birmingham, Alabama |

Tract No. 432-K: Boat House and Pier

| | |
|---|---|
| H. C. White (Lessee) | 2625 - 3rd Avenue North<br>Leeds, Alabama |
| Beatrice E. White (Lessee) | 2625 - 3rd Avenue North<br>Leeds, Alabama |

Tract No. 432-L: Dwelling

| | |
|---|---|
| Wilda Lowery Skelton (Lessee) | Route 1, Box 337-B<br>Leeds, Alabama |
| C. E. Skelton (Lessee) | Route 1, Box 377-B<br>Leeds, Alabama |
| Owners Unknown | Names and Addresses Unknown |

RECORDED IN REAL PROPERTY BOOK 071 PAGE 153
RECORDED 1985 DEC 30 PM 3:58
0531 0235

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

| | | |
|---|---|---|
| ALABAMA POWER COMPANY, a corporation, | ) | CIVIL ACTION |
| Plaintiff, | ) | NO. CA 66-325 |
| v. | ) | |
| 1,140 Acres, More or Less, of Land in Shelby and Talladega Counties, Alabama, and CLAUDE J. SCHRADER, ET AL., | ) | |
| Defendants. | ) | |

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 |
|---|---|
| 127 | $ 225.00 |
| 120 | 300.00 |
| 150-1&2 | 400.00 |
| 475 | 492.00 |
| 228 | 535.00 |
| 476 | 570.00 |
| 104 | 550.00 |
| 126 | 1,200.00 |
| 201 | 1,640.00 |
| 405 | 2,500.00 |
| 474 | 5,315.00 |
| 477 | 2,415.00 |
| 232 | 2,925.00 |
| 464 | 3,000.00 |
| 447 | 2,100.00 |
| 188 | 575.00 |
| 465 | 5,260.00 |
| 433 | 4,150.00 |

RECORDED IN ABOVE DEED BOOK AND PAGE NO.

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BOOK 071 PAGE 154

| Tract No. | Amount |
|---|---|
| 137 | $4,350.00 |
| 133 | 4,600.00 |
| 211-1&2 | 4,770.00 |
| 490 | 5,370.00 |
| 430 | 3,250.00 |
| 431 | 18,515.00 |
| 492 | 31,230.00 |
| 432-C | 800.00 |
| | $106,997.00 |

This the 6th day of July, 1966.

William E. Davis, Clerk
United States District Court

0237

RECORDED IN ABOVE BOOK AND PAGE NO.
'66 JUL 13 PM 3 58

BOOK 071 PAGE 155

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

| | | |
|---|---|---|
| ALABAMA POWER COMPANY, a corporation, Plaintiff, v. 1,140 Acres, More or Less, of Land in Shelby and Talladega Counties, Alabama, and CLAUDE J. SCHRADER, ET AL., Defendants. | ) | CIVIL ACTION NO. CA 66-325 |

FILED IN CLERK'S OFFICE
NORTHERN DISTRICT OF ALABAMA
JUL 7 - 1966
WILLIAM E. DAVIS
CLERK, U. S. DISTRICT COURT
By..... Deputy Clerk

The motion for summary judgment hereinafter set forth and all pending motions in this case have been set for hearing at 10:00 o'clock, A. M. on July 18, 1966, 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 7th day of July, 1966.

Carey J. Chitwood
Attorney for Plaintiff

BOOK 071 PAGE 156

Carey J. Chitwood
Martin, Balch, Bingham, Hawthorne & Williams
600 North 18th Street
Birmingham, Alabama 35203

0531
0238

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

| | | |
|---|---|---|
| ALABAMA POWER COMPANY, a corporation, Plaintiff, v. 1,140 Acres, More or Less, of Land in Shelby and Talladega Counties, Alabama, and CLAUDE J. SCHRADER, ET AL., | ) | CIVIL ACTION NO. CA 66-325 |

FILED IN CLERK'S OFFICE
NORTHERN DISTRICT OF ALABAMA

JUL 7 - 1966

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 Tracts numbered 485, 427, 429, 480, 97, 209-1&2 and 212-2 for the purposes and uses outlined in the complaint on the ground that there is no genuine issue as to any material fact relative to the necessity for the taking of such lands and that plaintiff is entitled to a ruling that such lands are necessary for the purposes stated as a matter of law.

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

BOOK 071 PAGE 157

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_____

_____

_____
Attorneys for Plaintiff

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

STATE OF ALABAMA )
JEFFERSON COUNTY )

FILED IN CLERK'S OFFICE
NORTHERN DISTRICT OF ALABAMA
JUL 7 - 1966
WILLIAM E. DAVIS
CLERK, U. S. DISTRICT COURT
By..... Deputy Clerk

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 at 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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BOOK 071 PAGE 158

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 485, 427, 429, 480, 97, 209-1&2 and 212-2. These lands are sought to be condemned in this proceeding

BOOK 071 PAGE 159
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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.

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ON THIS THE 13 DAY OF APR 66
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E. R. Coulbourn

BOOK 0711 PAGE 160

Subscribed and sworn to before me,

this the 7th day of July, 1966.

Notary Public
Jefferson County, Alabama

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 attorneys of record, Messrs. Wallace & Ellis, Columbiana, Alabama; Mr. Frank M. Bainbridge, 1010 Massey Building, Birmingham, Alabama; and further to all those defendants, at their respective addresses, listed in Tract No. 212-2 in Exhibit A to the complaint.

This the 7th day of July, 1966.

Carey J. Chitwood

BOOK 071 PAGE 161

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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

| | |
|---|---|
| ALABAMA POWER COMPANY, a corporation,<br><br>Plaintiff,<br><br>v.<br><br>1,140 Acres, More or Less, of Land in Shelby and Talladega Counties, Alabama, and CLAUDE J. SCHRADER, ET AL.,<br><br>Defendants. | CIVIL ACTION<br><br>NO. CA 66-325 |

FILED IN CLERK'S OFFICE
NORTHERN DISTRICT OF ALABAMA

JUL 18 1966

WILLIAM E. DAVIS
CLERK, U. S. DISTRICT COURT
By ..... 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. 485, 427, 429, 480, 97, 209- 1 & 2 and 212-2 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;

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

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

BOOK 071 PAGE 162

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JEFFERSON COUNTY, ALABAMA
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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 (1) Tract No. 97 lying above that certain datum plane of 382.2 feet but lying below that certain datum plane of 397 feet, (11) Tract Nos. 480 and 209-1 & 2 lying above that certain datum plane of 387.2 feet but lying below that certain datum plane of 397 feet, and (111) Tract Nos. 485, 427, 429 and 212-2 lying below that certain datum plane of 397 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 (1) Tract Nos. 427, 209-1 & 2 and 212-2 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 398 feet; and (11) Tract Nos. 485 and 480 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 400 feet; all above mean sea level as established by the United States Coast and Geodetic Survey, as adjusted in January, 1955;

BOOK 071 PAGE 163

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C. Together with all other rights as prayed for in the bill of complaint herein with regard to the above listed tracts, including the right of ingress and egress; all such rights to vest in plaintiff without further order of this court upon plaintiff's depositing with

the court the sums of money below specified which are equal to the appraisals made by plaintiff of the value of all the interests in land condemned herein:

| Tract No. | Amount |
|---|---|
| 485 | $ 740.00 |
| 427 | 1,625.00 |
| 429 | 3,660.00 |
| 480 | 3,995.00 |
| 97 | 2,270.00 |
| 209-1 & 2 | 14,210.00 |
| 212-2 | 80.00 |
| Total | $26,580.00 |

The various tract numbers appearing in this order are referred to the corresponding tract numbers appearing in the complaint and Exhibit A thereto, as amended by Amendments 1 through 7, inclusive, which have heretofore been allowed by the court.

This the 18th day of July, 1966.

Seybourn H. Lynne
United States District Judge.

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EXHIBIT A

TRACT NO. 485

SHELBY COUNTY

DESCRIPTION:

All that part of the SW¼ of Section 14, Township 21 South, Range 1 East, lying south and east of Montgomery Road in Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

5.3 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is filled to its new elevation of 397 feet above mean sea level. An additional 6.9 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is filled to an elevation of 400 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Richard Hall | Route 2<br>Wilsonville, Alabama |
| Frances Hall | Route 2<br>Wilsonville, Alabama |
| Metter Hall Shepherd | Route 1, Box 13<br>Wilsonville, Alabama |
| Gaines McLeod | 4832 W. Warren Avenue<br>Detroit, Michigan |
| Callie Mae McLeod | 4832 W. Warren Avenue<br>Detroit, Michigan |
| The Commercial National Bank (Mortgagee) | Anniston, Alabama |
| Owners Unknown | Names and Addresses Unknown |

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BOOK 071 PAGE 165
BOOK 0531 PAGE 0247

EXHIBIT A

TRACT NO. 427

SHELBY COUNTY

DESCRIPTION:

The S½ of NW¼ and the SW¼ of NE¼ of Section 12, Township 22 South, Range 1 East, Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

14.7 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is filled to its new elevation of 397 feet above mean sea level. An additional 1.8 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is filled to an elevation of 398 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Georgette Milner Morgan | Route 1, Box 8<br>Shelby, Alabama |
| William A. Morgan | Route 1, Box 8<br>Shelby, Alabama |
| Owners Unknown | Names and Addresses Unknown |

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BOOK 0771 PAGE 166

EXHIBIT A

TRACT NO. 429

SHELBY COUNTY

DESCRIPTION:

A tract of land in the E½ of NW¼ of Fractional Section 24, Township 22 South, Range 1 East, Shelby County, Alabama, more particularly described as follows: Begin at the northwest corner of the E½ of NW¼ of Fractional Section 24; thence east 593 feet along the north boundary line of said Fractional Section 24; thence turn an angle of 58 degrees 27 minutes to the right 1049.2 feet in a southeasterly direction; thence turn an angle of 31 degrees 59 minutes to the right 116.6 feet in a southerly direction; thence turn at an angle of 78 degrees 48 minutes to the right 421 feet in a southwesterly direction; thence turn an angle of 71 degrees 14 minutes to the left 115.6 feet in a southerly direction to the north boundary of the right of way of the Louisville & Nashville Railroad; thence west along north boundary line of the L&N Railroad right of way 675 feet, more or less, to the west boundary line of said E½ of NW¼ of said Fractional Section 24; thence north 1320 feet, more or less, along the west boundary line of said E½ of NW¼ of said Fractional Section 24, to the point of beginning.

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BOOK 071 PAGE 167

ACREAGE TO BE AFFECTED:

9.6 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is filled to its new elevation of 397 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Hazel P. Brown Baucum | Route 1, Box 18<br>Shelby, Alabama |
| George F. Baucum | Route 1, Box 18<br>Shelby, Alabama |
| William Blankenship (Lessee) | General Delivery<br>Siluria, Alabama |
| "Ted" Blankenship (Lessee) | General Delivery<br>Siluria, Alabama |
| Charlie Barnes (Lessee) | Shelby, Alabama |
| Minnie Lou Barnes (Lessee) | Shelby, Alabama |

TRACT NO. 429

(Continued)

| | |
|---|---|
| Rudolph England (Lessee) | Helena, Alabama |
| Vera England (Lessee) | Helena, Alabama |
| Owners Unknown | Names and Addresses Unknown |

BOOK 071 PAGE 168

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EXHIBIT A

TRACT NO. 480

SHELBY COUNTY

DESCRIPTION:

The N½ of S½ of Section 23, and that part of the NW¼ of SW¼ of Section 24 lying west of Coosa River all in Township 21 South, Range 1 East, Shelby County, Alabama, less and except a parcel described as follows: Begin at the northeast corner of the SE¼ of said Section 23 and run thence west 100 yards, thence south 220 yards, thence east to Coosa River, thence in a northeasterly direction along Coosa River to the south line of the SW¼ of NW¼ of said Section 24, thence west to the point of beginning.

ACREAGE TO BE AFFECTED:

28 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised from elevation 387.2 feet to its new elevation of 397 feet above mean sea level. An additional 11.6 acres, more or less, of such tract will be subject to flooding from time to time when Lay Reservoir is filled to an elevation of 400 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Maggie McLeod Manigoult | 1024 Highmarket Street<br>Georgetown, South Carolina |
| W. W. Manigoult | 1024 Highmarket Street<br>Georgetown, South Carolina |
| Lizzie McLeod | 126 Habor Road<br>San Francisco, California |
| Owners Unknown | Names and Addresses Unknown |

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0531 0251

EXHIBIT A

TRACT NO. 97

SHELBY COUNTY

DESCRIPTION:

All that part of the SW¼ of SE¼ and S½ of SW¼ of Section 20 lying North and East of Waxahatchee Creek; all that part of the NW¼ of NE¼ of Section 29 that lies North of Waxahatchee Creek, all in Township 24 North, Range 15 East Shelby County, Alabama.

ACREAGE TO BE AFFECTED:

20.4 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised from elevation 382.2 feet to its new elevation of 397 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

Nina Shrader Compton — Leeds, Alabama

J. V. Compton — Leeds, Alabama

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BOOK 071 PAGE 170

EXHIBIT A

TRACT NO. 209-1 & 2

TALLADEGA COUNTY

DESCRIPTION:

That part of the SW¼ which lies east of a branch running north and south near the west line of said Section 27; the N½ of SW¼ of NW¼; the N½ of NE¼; the NE¼ of NW¼; the SE¼ of NW¼; the NW¼ of NW¼ less one acre for a church; and six acres in northwest corner of the SW¼ of NE¼, all in Section 27, Township 21 South, Range 2 East.

The N½ of NW¼ of Section 34, Township 21 South, Range 2 East.

That part of the E½ of SE¼ that lies East of Spring Branch; the E½ of SW¼; four acres on east side of the NE¼ of NE¼; the SE¼ of NW¼; the NW¼ of SE¼; the W½ of NE¼ and the W½ of SE¼ of NE¼, all in Section 28, Township 21 South, Range 2 East.

That part of the E½ of NE¼ that lies East of Cedar Creek; that part of the NE¼ of NE¼ that lies North of Cedar Creek and above the mouth of Spring Branch; that part of the N½ of NW¼ of NE¼ that lies East of Cedar Creek; that part of the NW¼ that lies east of a branch (known as Narrow Branch); that part of the N½ of SW¼ that lies east of a branch (known as Narrow Branch) and west of Cedar Creek; that part of the S½ of SW¼ that lies east of a branch (known as Narrow Branch) and west of Cedar Creek; and that part of the SW¼ af NE¼ that lies west of Cedar Creek, all in Section 33, Township 21 South, Range 2 East.

The SE¼; the SE¼ of NE¼; the W½ of SW¼, and the SW¼ of NW¼ all in Section 22, Township 21 South, R nge 2 East.

The E½ of SE¼ and the SE¼ of NE¼ of Section 21, Township 21 South, Range 2 East.

All of the above described property situated in Talladega County, Alabama.

ACREAGE TO BE AFFECTED:

105.3 acres, more or less, of this tract will be completely submerged by Lay Reservoir when it is raised from elevation 387.2 feet to its new elevation of 397 feet above mean sea level. An additional 16.2 acres, more or less, of such tract will be subject to flooding

BOOK 071 PAGE 171

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## TRACT NO. 209- 1 & 2

(Continued)

from time to time when Lay Reservoir is filled to an elevation of 398 feet above mean sea level.

NAMES AND ADDRESSES OF OWNERS:

| | |
|---|---|
| Helen Crane Goodner | 1140 Columbiana Road<br>Birmingham, Alabama |
| J. H. Mitchell | Talladega Springs, Alabama |
| Margaret G. Mitchell | Talladega Springs, Alabama |
| R. H. Chandler | 1519 Bancroft Avenue<br>Montgomery, Alabama |
| Ima Jean Chandler | 1519 Bancroft Avenue<br>Montgomery, Alabama |
| Owners Unknown | Names and Addresses Unknown |

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BOOK 071 PAGE 172

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

| | | |
|---|---|---|
| ALABAMA POWER COMPANY, a corporation, Plaintiff, v. 1,140 Acres, More or Less, of Land in Shelby and Talladega Counties, Alabama, and CLAUDE J. SCHRADER, ET AL., Defendants. | ) ) ) ) ) ) ) ) ) ) | CIVIL ACTION NO. CA 66-325 |

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 |
|---|---|
| 485 | $ 740.00 |
| 427 | 1,625.00 |
| 429 | 3,660.00 |
| 480 | 3,995.00 |
| 97 | 2,270.00 |
| 209-1 & 2 | 14,210.00 |
| 212-2 | 80.00 |
| | $26,580.00 |

This the 19 day of July, 1966.

William E. Davis, Clerk
United States District Court

State of Alabama, Talladega Co. I hereby certify that the following information was collected on this instrument

Recording Fee $ 19.00
Index Fee 14.00
TOTAL $ 33.00

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

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JUDGE OF PROBATE

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BOOK 071 PAGE 173

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