

NOTICE OF PENDING ACTION

TO THE HONORABLE JUDGE OF PROBATE
OF SHELBY COUNTY, ALABAMA

You are hereby notified that on the 6th day of April, 1992, suit was filed by Alabama Power Company, a corporation, in the Probate Court of Shelby County, Alabama, styled Alabama Power Company v. BUFORD T. BRASHER, et al., Docket Number 30-292, and that the following are the names of the parties to said suit:

Name of Plaintiff:

Alabama Power Company, a corporation

Name of Defendants:

Hubert Howard
Dorothy Howard
Michael B. Ellis
Dianne Brasher Poe McDonald
Vick McDonald
Buford T. Brasher
Jewell M. Brasher
David E. Brasher
Janice M. Brasher
Ella B. Brasher
Fitts G. Smitherman
Rosemary S. Smitherman
Verbalene Brasher
Lane Hartney Friedman
Jackie Friedman
Mary Ellen Adams Murphy
W. Dennis Murphy

BOOK 400 PAGE 254

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

Please return to B+ (Probate) Thanks!

A strip of land 100 feet in width which lies within the North Half of the Southeast Quarter (N 1/2 of SE 1/4) of Section 11, Township 18 South, Range 1 East, Shelby County, Alabama, such strip being more particularly described as follows: To reach the point of beginning, commence at the Northeast corner of Section 11, Township 18 South, Range 1 East; thence run West along the North boundary line of such Section 11 a distance of 561.17 feet to a point; thence turn an angle to the left of 77 degrees 06 minutes 28 seconds and run South 13 degrees 37 minutes West a distance of 2708 feet, more or less, to a point on the North boundary line of the condemnees named in this paragraph, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip sought to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs South 13 degrees 37 minutes West a distance of 941.7 feet to a point, such point being the point of ending of the right of way herein described and sought to be condemned.

Also, the acquisition of and the right to clear and remove such timber on or above that portion of the property of the Defendants lying adjacent to and within fifteen feet (15') of a strip of right of way hereinafter described in the Northwest Quarter of the Southeast Quarter (NW 1/4 of SE 1/4) of Section 11, Township 18 South, Range 1 East, Shelby County, Alabama, which timber in falling would come within five feet (5') of the nearest wire lines of Plaintiff to be hereafter constructed or placed on the following described strip of right of way: To reach the point of beginning of said strip of right of way, commence at the Northeast corner of Section 11, Township 18 South, Range 1 East; thence run West along the North boundary line of said Section 11 a distance of 561.17 feet to a point; thence turn an angle to the left of 77 degrees 06 minutes 28 seconds and run South 13 degrees 37 minutes West a distance of 3648.7 feet to a point; such point being the point of beginning of the strip of right of way herein described; therefrom, said strip of right of way is ten feet (10') in width and lies five feet (5') on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 36 degrees 25 minutes and run South 50 degrees 02 minutes West a distance of 517 feet to a point, such point being the point of ending of said strip of right of way.

The said Hubert Howard and Dorothy Howard are the owners of the land described above.

A strip of land 100 feet in width which lies within the East Half of the Northeast Quarter (E 1/2 of NE 1/4) of Section 11, Township 18 South, Range 1 East, Shelby County, Alabama, such strip being more particularly described as follows:

To reach the point of beginning, commence at the Northeast corner of Section 11, Township 18 South, Range 1 East; thence run West along the North boundary line of such Section 11 a distance of 561.17 feet to a point; thence turn an angle to the left of 77 degrees 06 minutes 28 seconds and run South 13 degrees 37 minutes West a distance of 1341 feet, more or less, to a point on the North boundary line of the condemnee named in this paragraph, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip sought to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs South 13 degrees 37 minutes West a distance of 687 feet, more or less, to a point on the South boundary line of the condemnee named in this paragraph, such point being the point of ending of the right of way herein described and sought to be condemned.

The said Michael B. Ellis is the owner of the land described above.

The Plaintiff seeks the right to cut and remove any timber which in falling would come within five feet (5') of the electric transmission lines to be constructed on a strip adjacent to the property of the condemnees named in this paragraph. The said strip is 100 feet in width and lies within the Northeast Quarter of the Northeast Quarter (NE 1/4 of NE 1/4) of Section 11, Township 18 South, Range 1 East, Shelby County, Alabama, such strip being more particularly described as follows:

To reach the point of beginning, commence at the Northeast corner of Section 11, Township 18 South, Range 1 East; thence run West along the North boundary line of such Section 11 a distance of 561.17 feet to a point; thence turn an angle to the left of 77 degrees 06 minutes 28 seconds and run South 13 degrees 37 minutes West a distance of 1129 feet to a point, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip sought to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs South 13 degrees 37 minutes a distance of 220 feet to a point, such point being the point of ending of the right of way herein described and sought to be condemned.

The said Dianne Brasher Poe McDonald and Vick McDonald are the owners of the land described above.

A strip of land 100 feet in width which lies within the East Half of the Northeast Quarter (E 1/2 of NE 1/4) of Section 11, Township 18 South, Range 1 East, Shelby County, Alabama, such strip being more particularly described as follows:

To reach the point of beginning, commence at the Northeast corner of Section 11, Township 18 South, Range 1 East; thence run West along the North boundary line of such Section 11 a distance of 561.17 feet to a point; thence turn an angle to the left of 77 degrees 06 minutes 28 seconds and run South 13 degrees 37 minutes West a distance of 431 feet, more or less, to a point on the East boundary line of the condemnees named in this paragraph, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip sought to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs South 13 degrees 37 minutes West a distance of 910 feet, more or less, to a point on the South boundary line of the condemnees named in this paragraph, such point being the point of ending of the right of way herein described and sought to be condemned.

The said Buford T. Brasher and Jewell M. Brasher are the owners of the land described above.

Only so much of a strip of land 100 feet in width as lies within the Northeast Quarter of the Northeast Quarter (NE 1/4 of NE 1/4) of Section 11, Township 18 South, Range 1 East, Shelby County, Alabama, said 100 foot wide strip of land being more particularly described as follows:

To reach the point of beginning, commence at the Northeast corner of Section 11, Township 18 South, Range 1 East; thence run West along the North boundary line of such Section 11 a distance of 561.17 feet to a point; thence turn an angle to the left of 77 degrees 06 minutes 28 seconds and run South 13 degrees 37 minutes West a distance of 619 feet to a point near the North boundary line of the condemnees named in this paragraph, such point being the point of beginning of said 100 foot wide strip of land and that portion thereof which is herein described and sought to be condemned; therefrom, said 100 foot wide strip of land lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs South 13 degrees 37 minutes West a distance of 20 feet to a point near the West boundary line of the condemnees named in this paragraph, such point being the point of ending of said 100 foot wide strip of land and that portion thereof which is herein described and sought to be condemned.

The said David E. Brasher and Janice M. Brasher are the owners of the land described above.

A strip of land 100 feet in width which lies within the Northeast Quarter of the Northeast Quarter (NE 1/4 of NE 1/4) of Section 11, Township 18 South, Range 1 East, Shelby County, Alabama, such strip being more particularly described as follows:

To reach the point of beginning, commence at the Northeast corner of Section 11, Township 18 South, Range 1 East; thence run West along the North boundary line of such Section 11 a distance of 561.17 feet to a point on the North boundary line of the condemnee named in this paragraph, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip sought to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the left of 77 degrees 06 minutes 28 seconds and runs South 13 degrees 37 minutes West a distance of 431 feet, more or less, to a point on the West boundary line of the condemnee named in this paragraph, such point being the point of ending of the right of way herein described and sought to be condemned.

The said Ella Brasher is the owner of the land described above.

BOOK 400 PAGE 260

A strip of land 100 feet in width which lies within the Southeast Quarter of the Southeast Quarter (SE 1/4 of SE 1/4) of Section 2, Township 18 South, Range 1 East, Shelby County, Alabama, such strip being more particularly described as follows:

To reach the point of beginning, commence at the Southeast corner of Section 2, Township 18 South, Range 1 East; thence run West along the South boundary line of such Section 2 a distance of 561.17 feet to a point on the South boundary line of the condemnees named in this paragraph, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip sought to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 102 degrees 53 minutes 32 seconds and runs North 13 degrees 37 minutes East a distance of 295.6 feet to a point, such point being called Point A for reference hereinafter; thence such center line turns an angle to the right of 51 degrees 44 minutes and runs North 65 degrees 21 minutes East a distance of 535 feet, more or less, to a point on the East boundary line of the condemnees named in this paragraph, such point being the point of ending of the right of way herein described and sought to be condemned. The Plaintiff also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 15 feet outside of and in a Northwesterly direction from such ways and rights of way at Point A indicated above as may be necessary in the erection, construction or maintenance of said wire lines and appliances of Plaintiff.

The said Fitts G. Smitherman and Rosemary S. Smitherman are the owners of the land described above.

A strip of land 100 feet in width which lies within the Southwest Quarter of the Southwest Quarter (SW 1/4 of SW 1/4) of Section 1, Township 18 South, Range 1 East, Shelby County, Alabama, such strip being more particularly described as follows:

To reach the point of beginning, commence at the Southwest corner of Section 1, Township 18 South, Range 1 East; thence run North along the West boundary line of such Section 1 a distance of 517.42 feet to a point on the West boundary line of the condemnee named in this paragraph, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip sought to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 65 degrees 58 minutes 19 seconds and runs North 65 degrees 21 minutes East a distance of 1469 feet, more or less, to a point on the East boundary line of the condemnee named in this paragraph, such point being the point of ending of the right of way herein described and sought to be condemned.

The said Verbalene Brasher is the owner of the land described above.

Only so much of a strip of land 100 feet in width as lies within the South Half of the Southwest Quarter (S 1/2 of SW 1/4) of Section 1, Township 18 South, Range 1 East, Shelby County, Alabama, said 100 foot wide strip of land being more particularly described as follows:

To reach the point of beginning, commence at the Southwest corner of Section 1, Township 18 South, Range 1 East; thence run North along the West boundary line of such Section 1 a distance of 517.42 feet to a point; thence turn an angle to the right of 65 degrees 58 minutes 19 seconds and run North 65 degrees 21 minutes East a distance of 1389 feet to a point near the South boundary line of the condemnees named in this paragraph, such point being the point of beginning of said 100 foot wide strip of land and that portion thereof which is herein described and sought to be condemned; therefrom, said 100 foot wide strip of land lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs North 65 degrees 21 minutes East a distance of 103 feet to a point near the East boundary line of the condemnees named in this paragraph, such point being the point of ending of said 100 foot wide strip of land and that portion thereof which is herein described and sought to be condemned.

The said Fitts G. Smitherman and Rosemary S. Smitherman are the owners of the land described above.

BOOK 400 PAGE 263

A strip of land 100 feet in width which lies within the Northeast Quarter of the Southwest Quarter (NE 1/4 of SW 1/4) of Section 1, Township 18 South, Range 1 East, Shelby County, Alabama, such strip being more particularly described as follows:

To reach the point of beginning, commence at the Southwest corner of Section 1, Township 18 South, Range 1 East; thence run North along the West boundary line of such Section 1 a distance of 517.42 feet to a point; thence turn an angle to the right of 65 degrees 58 minutes 19 seconds and run North 65 degrees 21 minutes East a distance of 1984 feet, more or less, to a point on the South boundary line of the condemnees named in this paragraph, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip sought to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs North 65 degrees 21 minutes East a distance of 627.9 feet to a point, such point being called Point A for reference hereinafter; thence such center line turns an angle to the right of 25 degrees 11 minutes 30 seconds and runs South 89 degrees 27 minutes 30 seconds East a distance of 300 feet, more or less, to a point on the East boundary line of the condemnees named in this paragraph, such point being the point of ending of the right of way herein described and sought to be condemned. The Plaintiff also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 15 feet outside of and in a Northerly direction from such ways and rights of way at Point A indicated above as may be necessary in the erection, construction or maintenance of said wire lines and appliances of Plaintiff.

The said Lane Hartney Friedman and Jackie Friedman are the owners of the land described above.

A strip of land 20 feet in width which lies within the Northeast Quarter of the Southwest Quarter (NE 1/4 of SW 1/4) of Section 1, Township 18 South, Range 1 East, Shelby County, Alabama, such strip being more particularly described as follows:

To reach the point of beginning, commence at the Southwest corner of Section 1, Township 18 South, Range 1 East; thence run North along the West boundary line of such Section 1 a distance of 517.42 feet to a point; thence turn an angle to the right of 65 degrees 58 minutes 19 seconds and run North 65 degrees 21 minutes East a distance of 2496.0 feet to a point, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip sought to be condemned lies 10 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle to the right of 92 degrees 29 minutes and runs South 22 degrees 10 minutes East a distance of 62.0 feet to a point; thence such center line turns an angle to the left of 14 degrees 36 minutes and runs South 36 degrees 46 minutes East a distance of 81.6 feet to a point; thence such center line turns an angle to the right of 26 degrees 50 minutes 24 seconds and runs South 09 degrees 55 minutes 36 seconds East a distance of 32.8 feet to a point, thence such center line turns an angle to the right of 33 degrees 10 minutes 48 seconds and runs South 23 degrees 15 minutes 12 seconds West a distance of 72.6 feet to a point on the center line of a 14 foot wide dirt road, such point being the point of ending of the right of way herein described and sought to be condemned.

The said Lane Hartney Friedman and Jackie Friedman are the owners of the land described above.

A strip of land 100 feet in width which lies within the Northeast Quarter of the Southeast Quarter (NE 1/4 of SE 1/4) of Section 1, Township 18 South, Range 1 East, and the Northwest Quarter of the Southwest Quarter (NW 1/4 of SW 1/4) of Section 6, Township 18 South, Range 2 East, Shelby County, Alabama, such strip being more particularly described as follows:

To reach the point of beginning, commence at the Northwest corner of Section 6, Township 18 South, Range 2 East; thence run South along the West boundary line of such Section 6 a distance of 2736.73 feet to a point; thence turn an angle to the left of 145 degrees 41 minutes 15 seconds and run North 34 degrees 13 minutes 30 seconds East a distance of 126 feet, more or less, to a point on the North boundary line of the condemnees named in this paragraph, such point being the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip sought to be condemned lies 50 feet on each side of a center line and the continuations thereof which begins at such point of beginning and turns an angle of 180 degrees 00 minutes and runs South 34 degrees 13 minutes 30 seconds West a distance of 1230.7 feet to a point, such point being called Point A for reference hereinafter; thence such center line turns an angle to the right of 56 degrees 19 minutes and runs North 89 degrees 27 minutes 30 seconds West a distance of 720 feet, more or less, to a point on the West boundary line of the condemnees named in this paragraph, such point being the point of ending of the right of way herein described and sought to be condemned. The Plaintiff also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 15 feet outside of and in a Southerly direction from such ways and rights of way at Point A indicated above as may be necessary in the erection, construction or maintenance of said wires lines and appliances of Plaintiff.

The said Mary Ellen Adams Murphy and W. Dennis Murphy are the owners of the land described above.

The kind of suit brought as above stated is to condemn and acquire easements, interests, ways and rights-of-way in connection with the erection, construction and maintenance of towers, poles, wire lines, guy wires, anchors and other appliances for the transmission, distribution, supply and sale to the public of electric power.

IN WITNESS WHEREOF, the said Alabama Power Company, a corporation, has caused this notice to be executed on this the 2nd day of April, 19 92.

ALABAMA POWER COMPANY

By



Its Attorney

OF COUNSEL:

BALCH & BINGHAM

Edward S. Allen
P. O. Box 306
Birmingham, AL 35201
(205) 251-8100

CONWILL, JUSTICE & JOHNSON
Hewitt L. Conwill
P.O.Box 557
Columbiana, AL 35051
(205) 669-6701

BOOK 400 PAGE 267

04/06/1992 3391 01:56:00 PM
SHELBY COUNTY PROBATE
014 RCD 39.00