

IN THE PROBATE COURT FOR SHELBY COUNTY, ALABAMA

ALABAMA POWER COMPANY,)
a corporation,)
)
Plaintiff,)
)
v)
)
EDWIN MILES, et al,)
)
Defendants.)

No. 35-248

Inst # 1997-02640

01/27/1997-02640
10:21 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
31.00
Q10 MEL

NOTICE OF PENDING ACTION

TO THE HONORABLE JUDGE OF PROBATE
OF SHELBY COUNTY, ALABAMA

You are hereby notified that on the 23rd day of June, 19 97, suit was filed by Alabama Power Company, a corporation, in the Probate Court of Shelby County, Alabama, styled Alabama Power Company v. Edwin Miles, et al, Docket Number 35-248, and that the following are the names of the parties to said suit:

Name of Plaintiff:

Alabama Power Company, a corporation

Name of Defendants:

- ✓ Kerry R. Nivens
- ✓ Frank I. Owen, Sr.
- ✓ Lewis E. Atchinson, Sr.
- ✓ Edwin Miles
- ✓ Judy Miles
- ✓ Eudalia Hicks
- ✓ Estate of Owen Raines - c/o Glen O. Raines
- ✓ Estate of J. O. Raines - c/o Martha Sue Raines
- ✓ AmSouth Bank

Return to Probate

Estate of Owen Raines - Owners Unknown

Estate of J. O. Raines - Owners Unknown

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

A strip of land varying in width which lies within the Northeast Quarter of the Southeast Quarter (NE 1/4 of SE 1/4) of Section 28, Township 19 South, Range 1 West, Shelby County, Alabama, said strip being more particularly described as follows:

To reach the point of beginning commence at the Southwest corner of the Southwest quarter of the Northeast quarter of Section 28, Township 19 South, Range 1 West; thence run East along the South boundary line of said quarter-quarter section a distance of 2069.95 feet to a point on the North boundary line of the condemnees named in this paragraph, such point being the point of beginning of the strip of right of way herein described and sought to be condemned; therefrom, the strip of right of way sought to be condemned varies in width and lies 20 feet left of a survey line and up to road right of way right of a survey line and the continuations thereof which begins at such point of beginning and turn a deflection angle to the right of 37 degrees 27 minutes 42 seconds and runs South 52 degrees 35 minutes 26 seconds East a distance of 492.66 feet to a point, such point being the point of ending of the strip of right of way herein described and sought to be condemned.

Also, the acquisition of and the right to clear and remove all timber or other woody growth on or above that portion of the property of the Defendants within fifteen feet (15') of a strip of right of way lying adjacent to and North five feet (5') from the center line hereinafter described in the Northwest Quarter of the Southwest Quarter (NW 1/4 of SW 1/4) of Section 27, Township 19 South, Range 1 West, Shelby County, Alabama:

To reach the point of beginning of said strip of right of way, commence at the Southwest corner of Section 27, Township 19 South, Range 1 West; thence run North along the West boundary line of said Section 27 a distance of 2280.79 feet to a point; thence turn a deflection angle to the right of 128 degrees 04 minutes 22 seconds and run South 52 degrees 35 minutes 26 seconds East a distance of 21.70 feet to a point; thence turn a deflection angle to the left of 28 degrees 15 minutes 18 seconds and run South 80 degrees 50 minutes 44 seconds East a distance of 345.95 feet to a point, such point being the point of beginning of the strip of right of way herein described; therefrom, said strip of right of way is ten (10) feet in width and lies five (5) feet on each side of a center line and the continuations thereof which begins at such point of beginning and turn a deflection angle to the right of 02 degrees 35 minutes 13 seconds and runs South 78 degrees 15 minutes 31 seconds East a distance of 319 feet, more or less, to a point, such point being the point of ending of said strip of right of way.

The said Kerry R. Nivens, Frank I. Owen, Sr. and Lewis E. Atchison, Sr. are the owners of the land described above.

CAHABA HEIGHTS 9.8 MI.

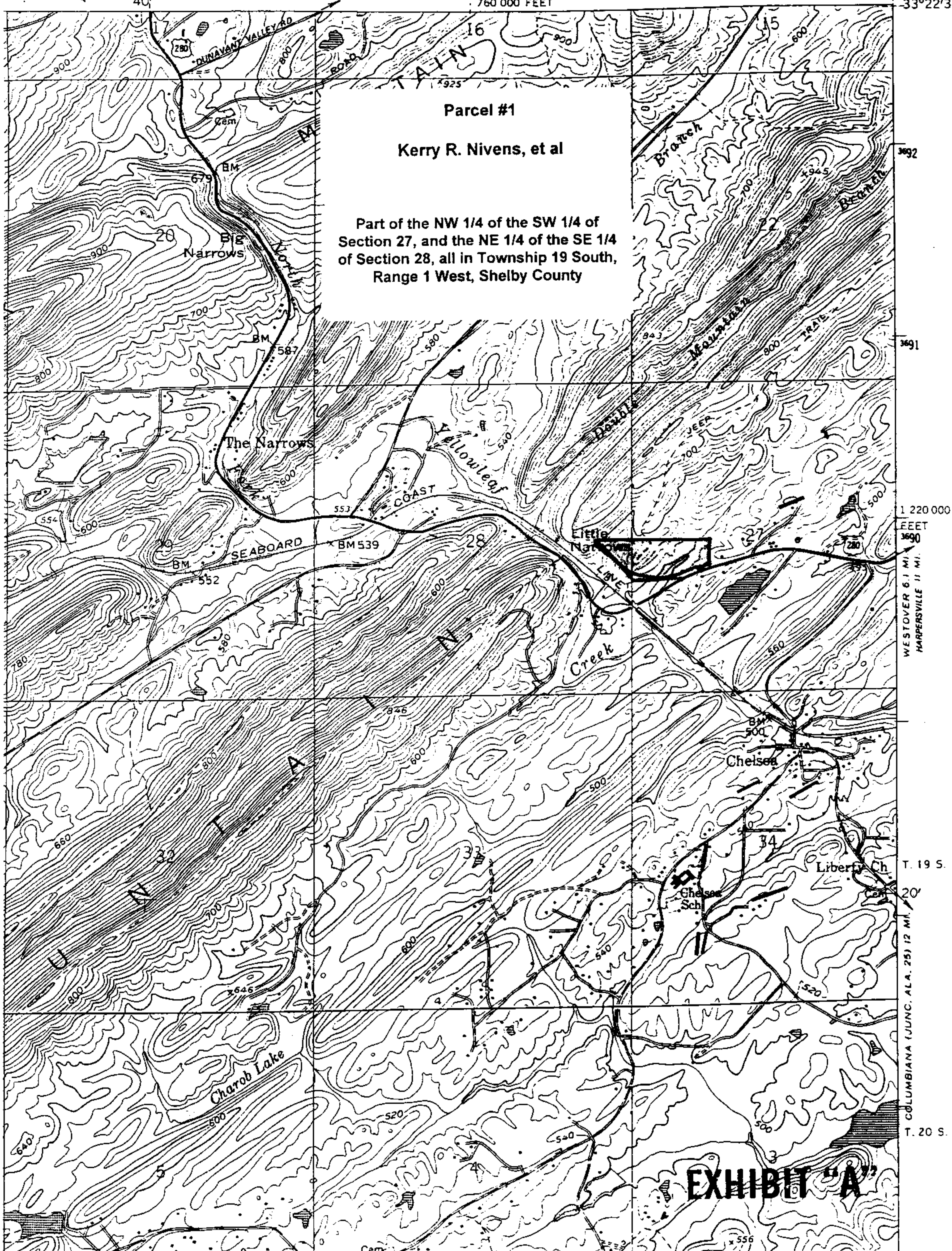
DUNAVANT (JUNC. ALA. 25) 11 MI.
760 000 FEET

86°37'30"
33°22'3"

Parcel #1

Kerry R. Nivens, et al

Part of the NW 1/4 of the SW 1/4 of
Section 27, and the NE 1/4 of the SE 1/4
of Section 28, all in Township 19 South,
Range 1 West, Shelby County



The rights to be acquired in this parcel consist of the acquisition of and the right to clear and remove all timber or other woody growth 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 Southeast Quarter of the Northwest Quarter (SE 1/4 of NW 1/4) of Section 28, Township 19 South, Range 1 West, Shelby County, Alabama.

To reach the point of beginning of said strip of right of way, commence at the Southeast corner of the Southeast quarter of the Northwest quarter of Section 28, Township 19 South, Range 1 West; thence run North along the East boundary line of said quarter-quarter section a distance of 480.29 feet to a point; thence turn a deflection angle of 162 degrees 08 minutes 16 seconds and run South 18 degrees 32 minutes 17 seconds West a distance of 21.33 feet to a point, such point being the center line of a paved road known as Shelby County 280; such point also being the point of beginning of the strip of right of way herein described; therefrom, said strip of right of way is ten (10) feet in width and lies five (5) feet on each side of a center line and the continuations thereof which begins at such point of beginning and continues South 18 degrees 32 minutes 17 seconds West a distance of 42.73 feet to a point, such point being called Point A for reference hereinafter; thence center line turns a deflection angle to the right of 54 degrees 09 minutes 22 seconds and runs South 72 degrees 41 minutes 39 seconds West a distance of 650.61 feet to a point, such point being called Point B for reference hereinafter; thence center line turns a deflection angle to the right of 49 degrees 44 minutes 38 seconds and runs North 57 degrees 33 minutes 43 seconds West a distance of 37 feet, more or less, to a point, such point being the center line of a paved road known as Shelby County 280; such point also being the point of ending of the strip of right of way. The Plaintiff also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 75 feet outside of and in a southerly direction from such ways and rights of way at Point A indicated above and not to exceed 60 feet outside of and in a southerly direction from such ways and rights of way at Point B indicated above as may be necessary in the erection, construction or maintenance of said wire lines and appliances of Plaintiff.

The said Edwin Miles and wife, Judy Miles are the owners of the land described above.

BIRMINGHAM (JUNC. U.S. 31) 14 MI.
CAHABA HEIGHTS 9.8 MI.

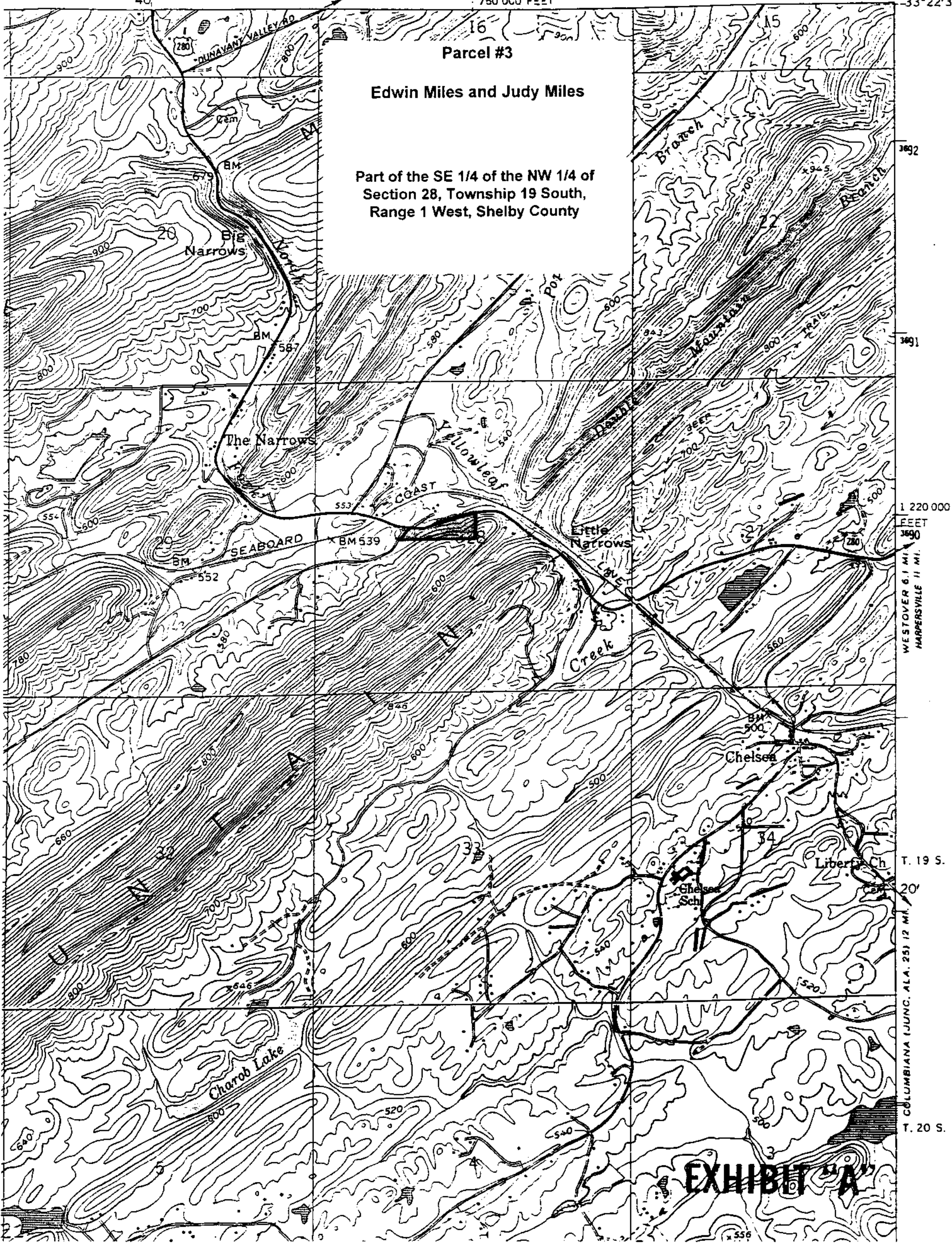
DUNAVANT (JUNC. ALA. 25) 11 MI.
750 000 FEET

86°37'30"
33°22'3"

Parcel #3

Edwin Miles and Judy Miles

Part of the SE 1/4 of the NW 1/4 of
Section 28, Township 19 South,
Range 1 West, Shelby County



1 220 000
FEET
WESTOVER 6.1 MI.
HARPERSVILLE 11 MI.

T. 19 S.

20

12 MI.

COLUMBIANA (JUNC. ALA. 25)

T. 20 S.

EXHIBIT "A"

Two strips of land varying in width which lies within the South Half of the Northeast Quarter (S 1/2 of NE 1/4) of Section 28, Township 19 South, Range 1 West, Shelby County, Alabama, said strips being more particularly described as follows:

To reach the point of beginning of the first strip, commence at the Southwest corner of the Southwest quarter of the Northeast quarter of Section 28, Township 19 South, Range 1 West; thence run East along the South boundary line of said quarter-quarter section a distance of 2069.95 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 strip of right of way herein described and sought to be condemned; therefrom, the strip of right of way sought to be condemned varies in width and lies 20 feet right of a survey line and up to road right of way left of a survey line and the continuations thereof which begins at such point of beginning and turns a deflection angle to the left of 142 degrees 32 minutes 18 seconds and runs North 52 degrees 35 minutes 26 seconds West a distance of 7.0 feet to a point; thence survey line turns a deflection angle to the right of 13 degrees 32 minutes 18 seconds and runs North 39 degrees 03 minutes 08 seconds West a distance of 210 feet, more or less, to a point, such point also being the point of ending of the first strip of right of way herein described and sought to be condemned.

To reach the point of beginning of the second strip, commence at the Southwest corner of the Southwest quarter of the Northeast quarter of Section 28, Township 19 South, Range 1 West; thence run East along the South boundary line of said quarter-quarter section a distance of 2069.95 feet to a point; thence turn a deflection angle to the left of 142 degrees 32 minutes 18 seconds and run North 52 degrees 35 minutes 26 seconds West a distance of 7.0 feet to a point; thence turn a deflection angle to the right of 13 degrees 32 minutes 18 seconds and run North 39 degrees 03 minutes 08 seconds West a distance of 380 feet to a point, such point being the point of beginning of the strip of right of way herein described and sought to be condemned; therefrom, the strip of right of way sought to be condemned varies in width and lies 20 feet right of a survey line and up to road right of way left of a survey line and continuations thereof which begins at such point of beginning and continues North 39 degrees 03 minutes 08 seconds West a distance of 28.49 feet to a point; thence survey line turns a deflection to the left of 16 degrees 50 minutes 35 seconds and runs North 55 degrees 53 minutes 43 seconds West a distance of 850 feet, more or less, to a point, such point being the point of ending of the second strip of right of way herein described and sought to be condemned.

Also, the acquisition of and the right to clear and remove all timber or other woody growth on or above that portion of the property of the Defendants within fifteen feet (15') of two strips of right of way lying adjacent to and North five feet (5') from the center line hereinafter described in the Southwest Quarter of the Northeast Quarter (SW 1/4 of NE 1/4) of Section 28, Township 19 South, Range 1 West, Shelby County, Alabama:

To reach the point of beginning of the first strip of right of way, commence at the Southwest corner of the Southwest quarter of the Northeast quarter of Section 28, Township 19 South, Range 1 West; thence run East along the South boundary line of said quarter-quarter section a distance of 2069.95 feet to a point; thence turn a deflection angle to the left of 142 degrees 32 minutes 18 seconds and run North 52 degrees 35 minutes 26 seconds West a distance of 7.0 feet to a point; thence turn a deflection angle to the right of 13 degrees 32 minutes 18 seconds and run North 39 degrees 03 minutes 08 seconds West a distance of 210 feet, more or less, to a point, such point being the point of beginning of the strip of right of way herein described; therefrom, said strip of right of way is ten (10) feet in width and lies five (5) feet on each side of a survey line and the continuations thereof which begins at such point of beginning and continues North 39 degrees 03 minutes 08 seconds West a distance of 170 feet, more or less, to a point, such point being the point of ending of the first strip of right of way.

Par. 2 (continued)

To reach the point of beginning of the second strip of right of way, commence at the Southwest corner of the Southwest quarter of the Northeast quarter of Section 28, Township 19 South, Range 1 West; thence run East along the South boundary line of said quarter-quarter section a distance of 2069.95 feet to a point; thence turn a deflection angle to the left of 142 degrees 32 minutes 18 seconds and run North 52 degrees 35 minutes 26 seconds West a distance of 7.0 feet to a point; thence turn a deflection angle to the right of 13 degrees 32 minutes 18 seconds and run North 39 degrees 03 minutes 08 seconds West a distance of 408.49 feet to a point; thence turn a deflection angle to the left of 16 degrees 50 minutes 35 seconds and run North 55 degrees 53 minutes 43 seconds West a distance of 849.95 feet to a point, such point being the point of beginning of the strip of right of way herein described; therefrom, said strip of right of way is ten (10) feet in width and lies five (5) feet on each side of a survey line and the continuations thereof which begins at such point of beginning and continues North 55 degrees 53 minutes 43 seconds West a distance of 64.58 feet to a point; thence survey line turns an angle to the right of 05 degrees 12 minutes 04 seconds and runs North 50 degrees 41 minutes 40 seconds West a distance of 261 feet, more or less, to a point, such point being the point of ending of the second strip of right of way.

The said Eudalia Hicks, Estate of Owen Raines, Estate of J.O. Raines, Owners Unknown and AmSouth Bank are the owners of the land described above.

BIRMINGHAM (JUNC. U.S. 31) 14 MI.
CAHABA HEIGHTS 9.8 MI.

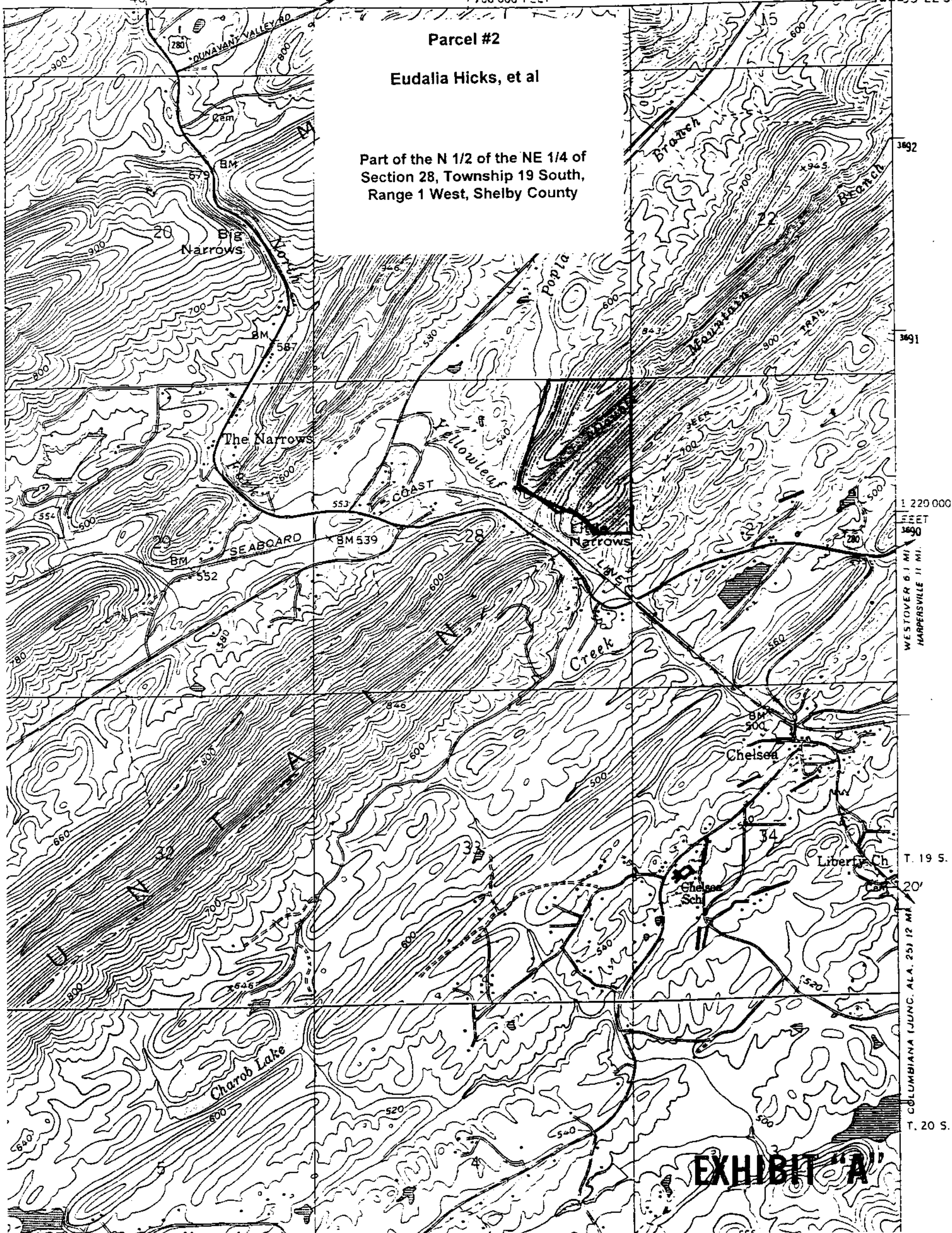
DUNAVANT (JUNC. ALA. 25) 11 MI.
760 000 FEET

86°37'30"
33°22'30"

Parcel #2

Eudalia Hicks, et al

Part of the N 1/2 of the NE 1/4 of
Section 28, Township 19 South,
Range 1 West, Shelby County



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 11 day of January, 1997.

ALABAMA POWER COMPANY

By


Its Attorney

By


Its Attorney

OF COUNSEL:

Hewitt L. Conwill
Conwill & Justice
P. O. Box 557
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Balch & Bingham
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(205) 251-8100

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010 HEL 31.00