

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

ALABAMA POWER COMPANY,
a corporation,

Plaintiff,

v

William A. Parker, III, et al,

Defendants.

No.

35-300

Inst # 1997-07877

NOTICE OF PENDING ACTION

TO THE HONORABLE JUDGE OF PROBATE
OF SHELBY COUNTY, ALABAMA

You are hereby notified that on the 12th day of March, 1997, suit was filed by Alabama Power Company, a corporation, in the Probate Court of Shelby County, Alabama, styled Alabama Power Company v. William A. Parker, III, et al, Docket Number 35-300, and that the following are the names of the parties to said suit:

Name of Plaintiff:

Alabama Power Company, a corporation

Name of Defendants:

William A. Parker, III

Carribelle Parker

Elsie G. Powell

Dale Glasscock

John Howard Holcombe

Nancy C. Holcombe

Howard Holcombe

Inst # 1997-07877

03/13/1997-07877
02:06 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
013 MCD 38.50

Cornell & Justice

Josephine C. Holcombe

Denman Construction Company

Cloverleaf Creamery Company, Inc.

Baptist Hospitals Foundation of Birmingham, Inc.

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

Par. 1

Two strips of land 75 feet in width which lies within the Southeast Quarter of the Southeast Quarter (SE 1/4 of SE 1/4) lying above the 398 foot contour line of Alabama Power Company's Lay Dam Reservoir of Section 29 and the Northwest Quarter of the Southwest Quarter (NW 1/4 of SW 1/4) of Section 28, both being in Township 20 South, Range 2 East, Shelby County, Alabama.

To reach the point of beginning of the first strip of land, commence at the Southeast corner of Section 29, Township 20 South, Range 2 East; thence run West along the South boundary line of such Section 29 a distance of 274.05 feet to a point; thence turn a deflection angle to the right of 141 degrees 38 minutes 51 seconds and run North 52 degrees 38 minutes 44 seconds East a distance of 272.55 feet to a point on the Southwest 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 left of and 25 feet right of a survey line and the continuations thereof which begins at such point of beginning and runs North 52 degrees 38 minutes 44 seconds East a distance of 88.73 feet, more or less, to a point on the Northeast 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.

To reach the point of beginning of the second strip of land, commence at the Northeast corner of Section 28, Township 20 South, Range 2 East; thence run West along the North boundary line of such Section 28 a distance of 3601.47 feet to a point; thence turn a deflection angle to the left of 77 degrees 33 minutes 58 seconds and run South 13 degrees 03 minutes 44 seconds West a distance of 2733.44 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 right of way herein described and sought to be condemned; therefrom, the strip sought to be condemned lies 50 feet right of and 25 feet left of a survey line and the continuations thereof which begins at such point of beginning and runs South 13 degrees 03 minutes 44 seconds West a distance of 1363 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 William A. Parker, III and Carribelle S. Parker are the owners of the lands described above.

Par. 4

021397

A strip of land 75 feet in width which lies within the South Half of the Northwest Quarter (S 1/2 of NW 1/4) of Section 28, Township 20 South, Range 2 East, Shelby County, Alabama.

To reach the point of beginning, commence at the Northeast corner of Section 28, Township 20 South, Range 2 East; thence run West along the North boundary line of such Section 28 a distance of 3601.47 feet to a point; thence turn a deflection angle to the left of 77 degrees 33 minutes 58 seconds and run South 13 degrees 03 minutes 44 seconds West a distance of 1368.44 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 describe and sought to be condemned; therefrom, the strip sought to be condemned lies 50 feet right of and 25 feet left of a survey line and the continuations thereof which begins at such point of beginning and runs South 13 degrees 03 minutes 44 seconds West a distance of 1365 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 Denman Construction Company, a corporation, is the owner of the land described above.

Par. 5

A strip of land 75 feet in width which lies within the Northeast Quarter of the Northwest Quarter (NE 1/4 of NW 1/4) of Section 28, Township 20 South, Range 2 East, Shelby County, Alabama.

To reach the point of beginning, commence at the Northeast corner of Section 28, Township 20 South, Range 2 East; thence run West along the North boundary line of such Section 28 a distance of 3601.47 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 right of and 25 feet 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 77 degrees 33 minutes 58 seconds and runs South 13 degrees 03 minutes 44 seconds West a distance of 1368 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 Elsie G. Powell, a widow, is the owner of the land described above.

Par. 8

A strip of land 100 feet in width which lies within the Southeast Quarter of the Northeast Quarter (SE 1/4 of NE1/4) of Section 16, Township 20 South, Range 2 East, Shelby County, Alabama.

To reach the point of beginning, commence at the Northeast corner of Section 15, Township 20 South, Range 2 East; thence run West along the North boundary line of such Section 15 a distance of 2644.27 feet to a point; thence turn a deflection angle to the left of 38 degrees 12 minutes 47 seconds and run South 51 degrees 33 minutes 33 seconds West a distance of 3413.27 feet to a point on the East 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 51 degrees 33 minutes 33 seconds West a distance of 821 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 William A. Parker, III, a married man, is the sole owner of the land described above.

Par. 9

A strip of land 100 feet in width which lies within the West Half of the Northwest Quarter and the Northeast Quarter of the Northwest Quarter and the Northwest Quarter of Northeast Quarter (W1/2 of NW1/4 and NE1/4 of NW1/4 and NW1/4 of NE1/4) of Section 15, Township 20 South, Range 2 East, Shelby County, Alabama.

To reach the point of beginning, commence at the Northeast corner of Section 15, Township 20 South, Range 2 East; thence run West along the North boundary line of such Section 15 a distance of 2644.27 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 a deflection angle to the left of 38 degrees 12 minutes 47 seconds and runs South 51 degrees 33 minutes 33 seconds West a distance of 3413.27 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 Cloverleaf Creamery Company, Inc., is the owner of the land described above.

A strip of land 100 feet in width which lies within the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter and the Northeast Quarter of the Southeast Quarter (SE 1/4 of SW1/4 and SW1/4 of SE1/4 and SE1/4 of SE1/4 and NE1/4 of SE1/4) of Section 10, Township 20 South, Range 2 East; the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Northwest Quarter and the East Half of the Northwest Quarter (NW1/4 of SW1/4 and SW1/4 of NW1/4 and E1/2 of NW1/4) of Section 11, Township 20 South, Range 2 East, Shelby County, Alabama.

To reach the point of beginning, commence at the Southeast corner of Section 10, Township 20 South, Range 2 East; thence run West along the South boundary line of such Section 10 a distance of 2644.27 feet to a point on the South 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 a deflection angle to the right of 141 degrees 47 minutes 13 seconds and runs North 51 degrees 33 minutes 33 seconds East a distance of 5514.51 feet to a point, such point being called Point A for reference hereinafter; thence such center line turns a deflection angle to the left of 52 degrees 39 minutes 12 seconds and runs North 01 degrees 05 minutes 39 seconds West a distance of 1827 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 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 70 feet outside of and in a southeasterly 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 Dale Glasscock, a married man, is the sole owner of the land described above.

Par. 11

A strip of land 100 feet in width which lies within the Southeast Quarter of the Southwest Quarter (SE1/4 of SW1/4) of Section 2, Township 20 South, Range 2 East, Shelby County, Alabama.

To reach the point of beginning, commence at the Southwest corner of Section 2, Township 20 South, Range 2 East; thence run East along the South boundary line of such Section 2 a distance of 1491.28 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 a deflection angle to the left of 88 degrees 39 minutes 05 seconds and runs North 01 degrees 05 minutes 39 seconds West a distance of 1309 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 ending of the right of way herein described and sought to be condemned.

The said John Howard Holcombe and wife, Nancy C. Holcombe, are the owners of the land described above.

A strip of land 100 feet in width which lies within the Northeast Quarter of the Southwest Quarter and the Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Northwest Quarter (NE1/4 of SW1/4 and SE1/4 of NW1/4 and NE1/4 of NW1/4) of Section 2, Township 20 South, Range 2 East, Shelby County, Alabama.

To reach the point of beginning, commence at the Southwest corner of Section 2, Township 20 South, Range 2 East; thence run East along the South boundary line of such Section 2 a distance of 1491.28 feet to a point; thence turn a deflection angle to the left of 88 degrees 39 minutes 05 seconds and run North 01 degrees 05 minutes 39 seconds West a distance of 1302 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 runs North 01 degrees 05 minutes 39 seconds West a distance 2990.99 feet to a point, such point being called Point A for reference hereinafter; thence such center line turns a deflection angle to the right of 62 degrees 50 minutes 32 seconds and runs North 61 degrees 44 minutes 53 seconds East a distance of 320 feet, more or less, to a point on the Northeast 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 70 feet outside of and in a northerly and southwesterly 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 Howard Holcombe and wife, Josephine C. Holcombe, are the owners of the land described above.

A strip of land 100 feet in width which lies within the Northeast Quarter of the Northwest Quarter (NE1/4 of NW1/4) of Section 2, Township 20 South, Range 2 East, Shelby County, Alabama.

To reach the point of beginning, commence at the Northeast corner of Section 2, Township 20 South, Range 2 East; thence run West along the North boundary line of such Section 2 a distance of 1936.94 feet to a point; thence turn a deflection angle to the left of 28 degrees 38 minutes 15 seconds and run South 61 degrees 44 minutes 53 seconds West a distance of 828 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 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 61 degrees 44 minutes 53 seconds West a distance of 874 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 Baptist Hospitals Foundation of Birmingham, Inc., is the owner 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 _____ day of _____, 1997.

ALABAMA POWER COMPANY

By _____
Its Attorney

By _____
Its Attorney

OF COUNSEL:

Hewitt L. Conwill
Conwill & Justice
P. O. Box 557
Columbiana, AL 35051

BALCH & BINGHAM:

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

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 12th day of March, 1997.

ALABAMA POWER COMPANY

By 
Its Attorney

By 
Its Attorney

OF COUNSEL:

Hewitt L. Conwill
Conwill & Justice
P. O. Box 557
Columbiana, AL 35051

BALCH & BINGHAM:

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

Inst # 1997-07877

03/13/1997-07877
02:06 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
013 MCD 38.50