

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

LEVEL3 COMMUNICATIONS, L.L.C.,)
a limited liability company,)

Plaintiff,)

v.)

Case No. 40-020

ANDREW FRANKLIN SPEAR, III,)
et al.,)

Defendants.)

Inst # 2000-35590

10/12/2000-35590
09:41 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 CJ1 17.00

ORDER CONFIRMING REPORT OF COMMISSIONERS
AND CONDEMNING LAND UPON PAYMENT OF AWARD

This cause came on to be heard on this day for a decree confirming the report of the commissioners and for an order of condemnation as to the lands, easements, rights and interests described in Pars. 65 and 141 of Article Fourth of the Complaint, as amended, in this cause;

And it appearing to the Court that on, to-wit, the 10th day of July, 2000, this Court heard the allegations of the Complaint, as amended, insofar as the same relates to the lands described in Pars. 65 and 141 of Article Fourth and the defendants named as owners thereof and all responsive pleadings and all legal evidence offered by the parties touching the same, and did thereafter make an order granting said Complaint, as amended, and did also enter orders appointing Jim Strickland, Corley Ellis and Eddy Jowers, three citizens of said County of Shelby in which county the lands and rights sought to be condemned are situated, possessing the qualifications of jurors and who is disinterested, to assess the damages and compensation to which the owner of such lands is entitled;

9/19

And it further appearing to the Court that notice of the appointment of such commissioners was immediately issued to them and that said commissioners, before entering upon the discharge of their duties, were sworn as jurors are sworn, and that they did thereafter receive all legal evidence offered by the parties touching the amount of damages the owners of, or the owners of an interest in, said lands will sustain and the amount of compensation they are entitled to receive;

And it further appearing to this Court that said commissioners did on, to-wit, the 14th day of September, 2000, make their report in writing to this Court, stating the amount of damages and compensation ascertained and assessed by them for the owners of, or the owners of an interest in, the lands described in Pars. 65 and 141 of Article Fourth of said Complaint, as amended, as follows:

To: Andrew Franklin Spear, III and wife, Sheryl Spear, are the owners of the land described above in Par. 65, subject to the pipeline easement owned by Plantation Pipeline Company, referenced above.

\$ 312.00

To: Hue Van Le and wife, Julie Phan Le, are the owners of the land described above in Par. 141, subject to the pipeline easement owned by Plantation Pipeline Company, referenced above.

\$ 880.00

And it further appearing to the Court that said commissioners did also file a certificate along with their award that none of them had ever been consulted, advised with or approached by any person in reference to the value of the lands or the proceedings to condemn the same prior to the assessment of damages and that they knew nothing of the same prior to their appointment;

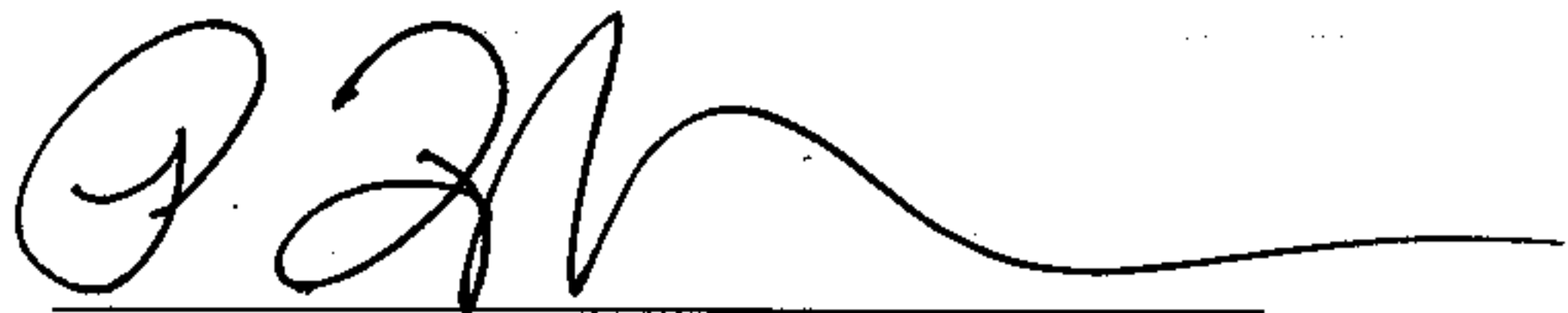
It is, further, ORDERED, ADJUDGED and DECREED by this Court that the said Report of Commissioners be and the same is hereby ordered to be recorded, together with the Complaint, as amended, and all the orders and decrees made in this cause and the pleading filed herein.

It is further ORDERED, ADJUDGED and DECREED by the Court that the rights, interests, ways and rights of way sought to be condemned in said Complaint, as amended, be and the same are hereby condemned, granted and awarded to said Plaintiff, Level3 Communications, L.L.C., with the rights and for the uses and purposes set forth in said Complaint, as amended, and that all rights, title and interests prayed for in said Complaint, as amended, which are condemned, granted and awarded to the Plaintiff be and the same are hereby divested out of said defendants, the owners of the lands described in Pars. 65 and 141 of Article Fourth of said Complaint, as amended, and vested in the Plaintiff, such condemnation to be effective upon the payment of the damages and compensation so assessed and reported by said commissioners, or the deposit of the same in Court.

It is further ORDERED that a notice of entry of this order be mailed by first-class mail to each party whose address is known, together with notice of the right to appeal from this order to the Circuit Court within thirty (30) days of the date hereof.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Plaintiff, Level3 Communications, L.L.C., pay all costs incurred in this cause.

DONE in open court, this the 19 day of September 2000.



Judge of the Probate Court of
Shelby County, Alabama

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