

Allison S. Boyd
Judge of Probate

Defendants.

) IN THE PROBATE COURT OF
) SHELBY COUNTY, ALABAMA

CASE NO. PR-2023-000696



20250121000019570 1/10 \$52.00
Shelby Cnty Judge of Probate, AL
01/21/2025 10:03:30 AM FILED/CERT

COMPLAINT FOR CONDEMNATION

COMES NOW Alabama Power Company, a corporation, and files this its complaint against the defendants listed below, for an order of condemnation of the lands, rights, and interests therein, hereinafter described, and shows unto the Court as follows:

ARTICLE FIRST: That the plaintiff, Alabama Power Company, is a corporation organized and existing under the laws of the State of Alabama, with its principal place of business in Jefferson County, Alabama.

That the defendants against whom this complaint is filed are individuals and entities that have, may have, or claim to have an interest in the lands in Shelby County, Alabama, that are the subject of this action (Parcels 1 and 2).

| | <u>NAME</u> | <u>ADDRESS</u> | <u>INTEREST</u> |
|----|---------------------------|---|----------------------|
| 1. | SRC Inverness Cliffs, LLC | c/o Colin G. Moorhouse, its Registered Agent 2151 Highland Avenue S, Suite 200 Birmingham, AL 35205 | Owner (Parcel 1) |
| 2. | Fannie Mae | Midtown Center 1100 15th Street NW Washington, DC 20005 c/o KeyBank National Association c/o KeyBank Real Estate Capital – Servicing Dept. 11501 Outlook St., Suite 300 Overland Park, KS 66211 Mailcode: KS-01-11-0501 ATTN: Servicing Manager | Mortgagee (Parcel 1) |



20250121000019570 2/10 \$52.00
Shelby Cnty Judge of Probate, AL
01/21/2025 10:03:30 AM FILED/CERT

| | | | |
|----|--------------|--|----------------------|
| 3. | MKL, L.L.C. | c/o Jon C. Moore, its Registered Agent 5100 Cyrus Circle Birmingham, AL 35243 | Owner (Parcel 2) |
| 4. | Regions Bank | c/o Corporation Service Company Inc., its Registered Agent 641 South Lawrence Street Montgomery, AL 36104 | Mortgagee (Parcel 2) |

That the following defendant is named in his capacity as Property Tax Commissioner of Shelby County, Alabama:

| | | | |
|----|---|--|----------------------------|
| 5. | Don Armstrong, Property Tax Commissioner | 102 Depot Street Columbiana, AL 35051 | Tax Lien (Parcels 1 and 2) |
|----|---|--|----------------------------|

ARTICLE SECOND: Plaintiff is a public electric utility company having the right by its charter to manufacture, supply, and sell to the public electric energy produced either by steam or by water as a motive force, or by both, for lighting, heating, power, and other purposes, which said electric energy it proposes to manufacture, supply, and sell as herein stated, and the rights, ways, and rights-of-way herein described are sought to be condemned for its transmission lines for that purpose, as well as for advanced communications capabilities purposes. Plaintiff has the right to condemn pursuant to Alabama law, including *Ala. Code* § 37-4-130 and § 37-16-7(e), as amended.

ARTICLE THIRD: That the uses and purposes for which the said lands, rights, and interests hereinafter described are to be condemned and taken are for the construction, operation, and maintenance of towers, poles, and wire lines for the transmission, distribution, supply, and sale of electric power and for advanced communications capabilities; and, with respect to Parcels 1 and 2 of Article Fourth, hereof, plaintiff therefore seeks to acquire ways and rights-of-way on, across, under, and over the lands hereinafter described in Parcels 1 and 2 of Article Fourth, hereof, and the right to construct and erect on, across, under, and over said lands such towers, poles, and wire lines, and all appliances necessary, convenient, and useful in connection therewith for such purposes, together with all the rights conferred by law and all that are necessary, useful, and convenient to the enjoyment of said rights, ways, and rights-of-way for such uses and purposes, and to acquire all timber and other growth on said ways and rights-of-way sought to be condemned, and the right and authority to clear and remove said timber and other growth from said ways and rights-of-way, and to acquire such timber on the lands of the defendants and outside of said rights-of-way which in falling would come within five (5) feet of the electrical conductors of plaintiff located on said rights-of-way, plaintiff's adjacent rights-of-way, or on adjacent public road rights-of-way; and with respect to Parcel 1 of Article Fourth, hereof, plaintiff also seeks the right and authority to place guy wires and anchors, as described in Article Fourth, hereof.

ARTICLE FOURTH: That the said rights, ways, rights-of-way, and other interests sought to be condemned for such uses and purposes are on, across, over, under, and adjacent to strips of land described hereinafter, according to the final location survey of the said ways and rights-of-way heretofore made by plaintiff, as depicted for purposes of information and notice on the following maps showing the parcel sought to be taken and the remainder, the said strips of land and the lands of which same are a part being situated in Shelby County, Alabama, and described as follows:

PARCEL 1

Two strips of land, varying in width, lying within a portion of the Southwest Quarter of Southwest Quarter (SW $\frac{1}{4}$ of the SW $\frac{1}{4}$) and a portion of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ of SW $\frac{1}{4}$) all in Section 1, Township 19 South, Range 02 West, Shelby County, Alabama, such strips being more particularly described as follows:

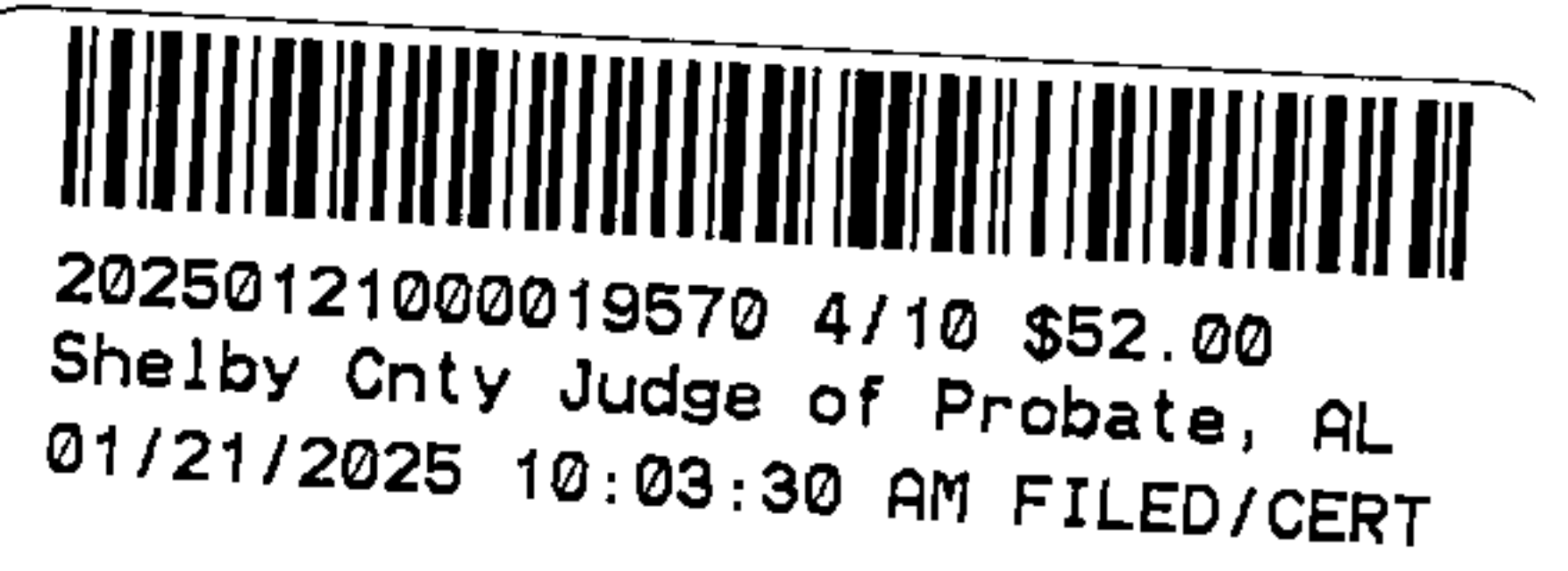
To reach the point of beginning of the **first strip**, commence at a found capped iron stamped Weygand marking the Southeast corner of Lot 31, Inverness Green Subdivision as recorded in Map Book 21, Page 6 in the Office of Judge of Probate of Shelby County, Alabama and run S40°21'06"W a distance of 102.35 feet to a set 5/8 inch rebar with yellow APCO cap; thence run S26°03'10"W a distance of 304.06 feet to a set 5/8 inch rebar with yellow APCO cap, said point being called **Reference Point A**, for reference hereinafter; thence run S47°24'24"W a distance of 264.86 feet to a set 5/8 inch rebar with yellow APCO cap; thence run S41°42'47"W a distance of 303.13 feet to a point; thence deflect 180°00'00" to the right and run N41°42'47"E a distance of 55.32 feet to the South boundary of Defendants' property, said point being the Point of Beginning of the first strip of land for right of way herein described; therefrom said strip is varying in width and lies left of the following described survey centerline and up to the Southeast right of way of Valleydale Road and up to 15 feet right of said survey centerline and the continuations thereof, which begins at such Point of Beginning and continues along the last described course a distance of 247.81 feet to a set 5/8 inch rebar with yellow APCO cap, said point being the POINT OF ENDING of the first strip of land for right of way.

To reach the point of beginning of the second strip, commence at a found capped iron stamped Weygand marking the Southeast corner of Lot 31, Inverness Green Subdivision as recorded in Map Book 21, Page 6 in the Office of Judge of Probate of Shelby County, Alabama and run S40°21'06"W a distance of 102.35 feet to a set 5/8 inch rebar with yellow APCO cap, thence run N58°34'25"E a distance of 284.84 feet to a point, said point being the Point of Beginning of the second strip of land for right of way herein described; therefrom said strip is varying in width and lies left of the following described survey centerline and up to the Southeast right of way of Valleydale Road and up to 15 feet right of said survey centerline and the continuations thereof, which begins at such Point of Beginning and continues along the last described course a distance of 46.30 feet to a set 5/8 inch rebar with yellow APCO cap, said point being called **Reference Point B**, for reference hereinafter, said point being the POINT OF ENDING of the second strip of land for right of way.

Plaintiff also seeks the right and authority to place and maintain such guy wires and anchors for a distance not to exceed 95 feet outside of and in a southeasterly direction from such ways and rights of way at **Reference Point A** indicated above as may be necessary in the erection, construction, or maintenance of said wire lines and appliances.

Plaintiff also seeks the right and authority to place and maintain such guy wires and anchors for a distance not to exceed 78 feet outside of and in a southeasterly direction from such ways and rights of way at **Reference Point B** indicated above as may be necessary in the erection, construction, or maintenance of said wire lines and appliances.

All bearings based on Alabama State Plane West Zone Grid North.

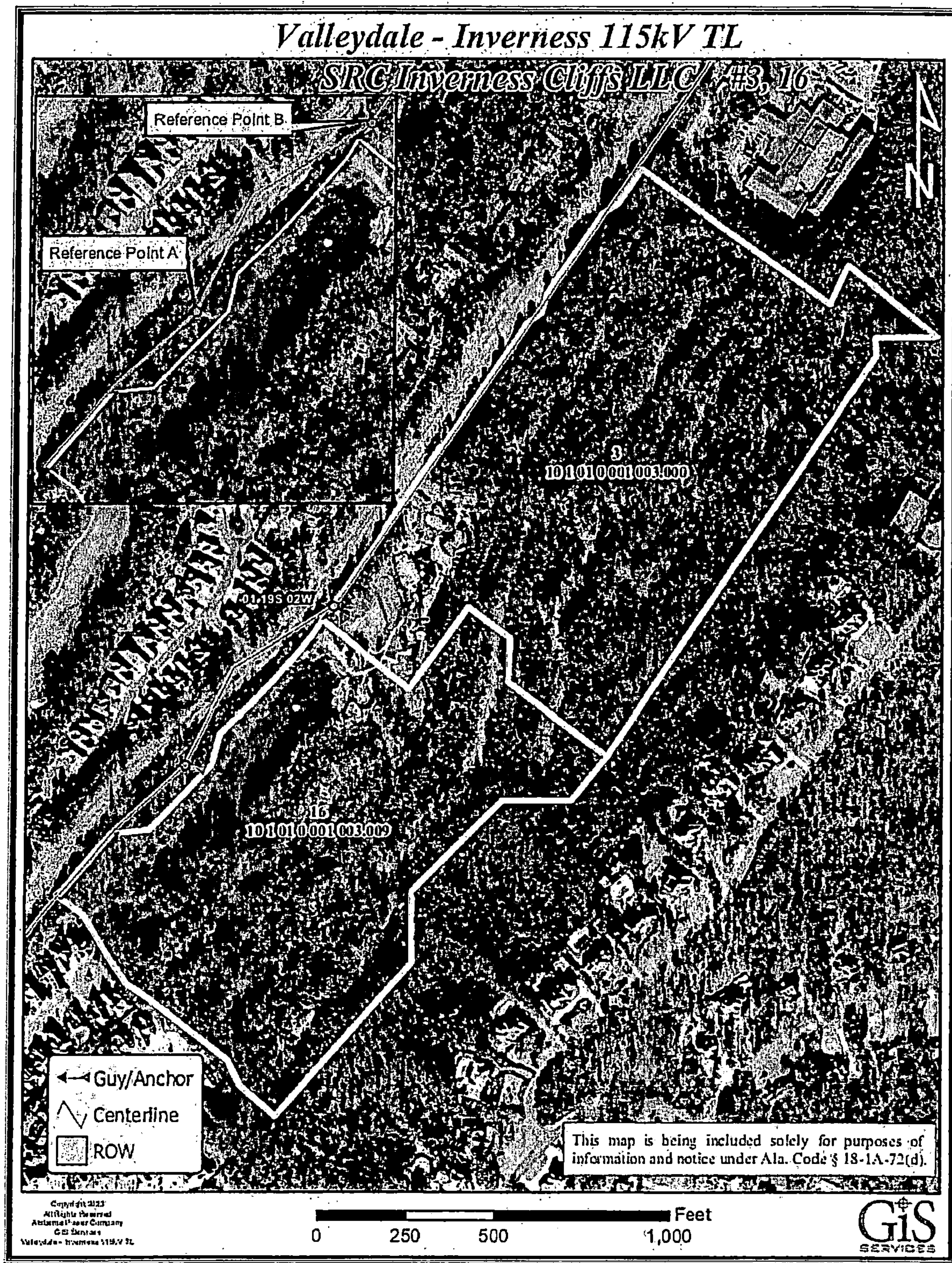


Defendants SRC Inverness Cliffs, LLC, Fannie Mae, and Don Armstrong, Property Tax Commissioner, are the owners of, or owners of an interest in, the above-described land.

APCO Property #72268432 / GIS #3 and #16



20250121000019570 5/10 \$52.00
Shelby Cnty Judge of Probate, AL
01/21/2025 10:03:30 AM FILED/CERT





20250121000019570 6/10 \$52.00
Shelby Cnty Judge of Probate, AL
01/21/2025 10:03:30 AM FILED/CERT

PARCEL 2

A strip of land, varying in width, lying within a portion of the Southeast Quarter of Northwest Quarter (SE 1/4 of the NW 1/4), of Section 11, Township 19 South, Range 02 West, Shelby County, Alabama, such strips being more particularly described as follows:

To reach the point of beginning of said strip, commence at the Southwest corner of Lot 4, Meadow Brook Professional and Medical Centre- 1st Sector, as recorded in Map Book 17, Page 21 in the Office of Judge of Probate of Shelby County, Alabama, said point being marked by a found capped iron stamped GSA; thence run N39°36'53"E a distance of 74.21 feet to a point of the centerline of survey used to describe said strip of land for right of way, said point being marked by a set 5/8 inch rebar with yellow APCO cap; thence continue along said centerline of survey a bearing of N37°40'27"E a distance of 470.34 feet to the Southwest boundary of Defendants' property; such point being the Point of Beginning of the right of way herein described; therefrom said strip is varying in width and lies from 15 feet right of said survey centerline and up to the Southeast right of way of Valleydale Road and the continuations thereof, which begins at such Point of Beginning and runs N37°40'27"E a distance of 17.38 feet to a set 5/8 inch rebar with yellow APCO cap; thence continue along said centerline of survey a bearing of N46°49'57"E a distance of 149.62 feet to the Northeast boundary of Defendants' property; such point being the POINT OF ENDING of the strip of right of way herein described.

All bearings based on Alabama State Plane West Zone Grid North.

Defendants MKL, L.L.C., Regions Bank, and Don Armstrong. Property Tax Commissioner, are the owners of, or owners of an interest in, the above-described land.

APCO Property # 72268159 / GIS #48



20250121000019570 7/10 \$52.00
Shelby Cnty Judge of Probate, AL
01/21/2025 10:03:30 AM FILED/CERT

Valleydale - Inverness 115kV TL



Copyright 2023
All Rights Reserved
Alabama Power Company
GIS Services
Valleydale - Inverness 115kV TL

0 25 50 100 Feet

GIS
SERVICES



20250121000019570 8/10 \$52.00
Shelby Cnty Judge of Probate, AL
01/21/2025 10:03:30 AM FILED/CERT

WHEREFORE, PREMISES CONSIDERED, plaintiff prays that this Court will make and enter an order appointing a day for the hearing of this complaint; that a copy of the complaint and notice of hearing date be served upon the defendants; and that upon such hearing, an order will be made by this Court condemning to the uses and purposes of this plaintiff, all the rights, authority and power sought and described herein, and for such other and further orders as may be authorized by law.

ALABAMA POWER COMPANY

By Chris Yeilding
One of the Attorneys for Plaintiff,
Alabama Power Company

OF COUNSEL:

Christopher L. Yeilding
BALCH & BINGHAM LLP
P.O. Box 306
Birmingham, AL 35201-0306
Telephone: (205) 251-8100
Facsimile: (205) 226-8799



20250121000019570 9/10 \$52.00
Shelby Cnty Judge of Probate, AL
01/21/2025 10:03:30 AM FILED/CERT

STATE OF ALABAMA)

Telferson COUNTY)

Before me, the undersigned authority, personally appeared, Chris Yeilding, who, being by me first duly sworn, deposes and says that he is one of the attorneys for the plaintiff, Alabama Power Company, and has the authority to make this affidavit and to institute and prosecute the foregoing Complaint for the condemnation of the lands, rights and interests therein described, and that the statements contained in the foregoing complaint are true and correct as therein alleged or upon information and belief as therein alleged.

Chris Yeilding

Sworn to and subscribed before me this 10th day of July, 2023.

Tracy Martin
Notary Public

My Commission Expires: 7-5-27



20250121000019570 10/10 \$52.00
Shelby Cnty Judge of Probate, AL
01/21/2025 10:03:30 AM FILED/CERT

SERVE THE DEFENDANTS AS SHOWN BELOW:

| | <u>NAME</u> | <u>ADDRESS</u> | <u>INTEREST</u> | <u>SERVICE</u> |
|----|--|--|-------------------------------|-----------------------|
| 1. | SRC Inverness Cliffs, LLC | c/o Colin G. Moorhouse, its Registered Agent 2151 Highland Avenue S, Suite 200 Birmingham, AL 35205 | Owner (Parcel 1) | Process Server |
| 2. | Fannie Mae | Midtown Center 1100 15th Street NW Washington, DC 20005 c/o KeyBank National Association c/o KeyBank Real Estate Capital -Servicing Dept. 11501 Outlook St., Suite 300 Overland Park, KS 66211 Mailcode: KS-01-11-0501 ATTN: Servicing Manager | Mortgagee (Parcel 1) | Certified Mail |
| 3. | MKL, L.L.C. | c/o Jon C. Moore, its Registered Agent 5100 Cyrus Circle Birmingham, AL 35243 | Owner (Parcel 2) | Process Server |
| 4. | Regions Bank | c/o Corporation Service Company Inc., its Registered Agent 641 South Lawrence Street Montgomery, AL 36104 | Mortgagee (Parcel 2) | Certified Mail |
| 5. | Don Armstrong, Property Tax Commissioner | 102 Depot Street Columbiana, AL 35051 | Tax Lien (Parcels 1 and 2) | Process Server |