

ALABAMA POWER COMPANY,

Applicant,

v.

MRS. CAMELLA N. HOOPER, HAMPTON  
D. EWING, JR., MARY ELISABETH  
EWING, HAMPTON D. EWING, JR. AND  
JAMES R. COGAN, as Co-Executors  
and Co-Trustees, PETER FLETCHER  
EWING, VIRGINIA EWING, IRENE  
FRALEY, HUSBAND OF IRENE FRALEY,  
whose name is otherwise unknown,  
AND BAY MINETTE LAND COMPANY,

Defendants.

IN THE COURT OF PROBATE OF

BALDWIN COUNTY, ALABAMA

BOOK 044 PAGE 609

FINAL ORDER OF CONDEMNATION

This cause coming on to be heard on this day for a decree confirming the report of the commissioners heretofore appointed in this cause, and for an order of condemnation in pursuance thereof as to the lands, easements, rights and interests described in the application, as amended, heretofore filed in this cause;

And it appearing to the Court that applicant, Alabama Power Company, with leave of Court first had and obtained, has heretofore amended its application by striking International Paper Company as a party defendant and by striking all of Par. 1 of Article Fourth of said application;

It is, therefore, ORDERED, ADJUDGED and DECREED that said amendment be and the same is hereby allowed.

And it appearing to the Court that on, to-wit, the *Tue* day of *September*, 1966, this Court heard the allegations of said application, as amended, as to the parties and lands named and described in Article Fourth of said application and all legal evidence offered by the parties touching the same, and did thereafter make an order granting said application, as amended, for the condemnation of certain lands, easements, rights and interests therein described, and did also in and by said order and decree appoint *J. A. Wurst*, *Marvin Kelly*, and *James W. Lindsey*, three citizens of said County of Baldwin, in which county the lands and rights sought to be condemned are situated, possessing the qualifications of jurors and who are disinterested, to assess the damages and compensation to which the owners of the lands described in Article Fourth of said application, as amended, are entitled;

And it further appearing to the Court that notice of the appointment of said three named persons as commissioners was issued by this Court to the Sheriff of this county as required by law, and by said Sheriff served on said three persons, as commissioners, within five days from the receipt thereof by him;

And it further appearing to the Court that said commissioners, before entering upon the discharge of their duties in the premises, 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 the Court that said commissioners did on, to-wit, the <sup>26th</sup> day of September, 1966, 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 Article Fourth of said application, as amended, as follows:

To Hampton D. Ewing, Jr. and Mary Elisabeth Ewing, the owner of, or the owners of an interest in, the lands described in Par. 2 of Article Fourth. \$2794.00.

To Bay Minette Land Company, Hampton D. Ewing, Jr., Mary Elisabeth Ewing, Peter Fletcher Ewing, Virginia Ewing, Irene Fraley and husband of Irene Fraley, and Hampton D. Ewing, Jr. and James R. Cogan as Co-Executors and Co-Trustees, the owners of, or the owners of an interest in, the lands described in Par. 3 of Article Fourth. \$1512.00.

To Hampton D. Ewing, Jr. and Mary Elisabeth Ewing, the owners of, or the owners of an interest in, the lands described in Par. 4 of Article Fourth. \$150.00.

To Hampton D. Ewing, Jr. and Mary Elisabeth Ewing, the owners of, or the owners of an interest in, the lands described in Par. 5 of Article Fourth. \$25.00.

To Bay Minette Land Company, Hampton D. Ewing, Jr., Mary Elisabeth Ewing, Peter Fletcher Ewing, Virginia Ewing, Irene Fraley and husband of Irene Fraley, and Hampton D. Ewing, Jr., and James R. Cogan as Co-Executors and Co-Trustees, the owners of, or the owners of an interest in, the lands described in Par. 6 of Article Fourth. \$150.00.

To Mrs. Camella N. Hooper, the owner of, or the owner of an interest in, the lands described in Par. 7 of Article Fourth. \$688.00.

To Mrs. Camella N. Hooper, the owner of, or the owner of an interest in, the lands described in Par. 8 of Article Fourth. \$50.00.

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 the assessment of damages and that they knew nothing of the same prior to their appointment;

It is, therefore, ORDERED, ADJUDGED and DECREED by the Court that the said report of commissioners be and the same is hereby ordered to be recorded, together with said application and all the orders and decrees made in this cause and the pleadings filed herein.

It is further ORDERED, ADJUDGED and DECREED by the Court that the applicant, Alabama Power Company, pay all costs incurred in this cause.

And it further appearing to the Court that the damages and compensation so ascertained and assessed by said commissioners for the said defendants, the owners of, or the owners of an interest in, the lands described in Article Fourth of said application, as amended, have been deposited in money in this Court by the applicant, Alabama Power Company; and that the said Alabama Power Company has paid into court all costs incurred in this cause;

And it further appearing to the satisfaction of the Court that all things necessary and required by Title 19, Chapter I, of the Code of Alabama of 1940, as amended, have been done and performed by the applicant;

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 amended application be and the same are hereby condemned, granted and awarded to said applicant, Alabama Power Company, with the rights and for the uses and purposes set forth in said amended application and that all rights, title and interests prayed for in said amended application which are now condemned, granted and awarded to the applicant in and by this decree, be and the same are hereby divested out of said defendants, the owners of, or the owners of an interest in, the lands described in Pars. 2, 3, 4, 5, 6, 7, and 8, of Article Fourth of said amended application and vested in the applicant;

And it is further ORDERED, ADJUDGED and DECREED by the Court that the applicant be and it is hereby granted the right to construct, operate and maintain such towers, poles and wire lines and other appliances necessary or useful in connection therewith for such purposes on, across and over the lands described in Pars. 2, 3, 4, 5, 6, 7, and 8, of Article Fourth of said amended application.

It is further ORDERED, ADJUDGED and DECREED by the Court that applicant be and it is hereby granted all timber and other growth on said ways and rights of way hereby condemned, and the right to clear and remove said timber and other growth from said ways and rights of way.

It is further ORDERED, ADJUDGED and DECREED by the Court that applicant be and it is hereby granted all timber outside of said ways and rights of way hereby condemned that may injure or endanger by falling or otherwise any towers, poles and wire lines and other appliances necessary or useful in connection therewith to be located on said ways or rights of way, and the right to clear and remove said timber.

It is further ORDERED, ADJUDGED and DECREED by the Court that

BOOK 044 PAGE 611

applicant be and it is hereby granted th right and authority to erect and place guy wires and anchors outside of ways and rights of way as described in Pars. 2, 3, and 8, of Article Fourth of said amended application.

And it is further ORDERED, ADJUDGED and DECREED by the Court that applicant be and it is hereby granted all the relief, rights, interests, easements and privileges set out, described and prayed for in said application, as amended.

DONE in open court, this the 18<sup>th</sup> day of October, 1966.

Harry D'Olive  
Judge of the Court of Probate  
of Baldwin County, Alabama

892K 044 Pmt 612

ALABAMA POWER COMPANY,

Applicant,

v.

INTERNATIONAL PAPER COMPANY, ET AL.,

Defendants.

IN THE COURT OF PROBATE OF

BALDWIN COUNTY, ALABAMA

FINAL ORDER OF CONDEMNATION

MARTIN, BALCH, BINGHAM, HAWTHORNE & WILLIAMS  
600 NORTH 18TH STREET  
BIRMINGHAM, ALABAMA 35203

ALABAMA POWER COMPANY,  
  
Applicant,  
  
v.  
  
INTERNATIONAL PAPER COMPANY,  
ET AL.,  
  
Defendants.

IN THE COURT OF PROBATE OF  
  
BALDWIN COUNTY, ALABAMA

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AMENDMENT NO. 1 TO APPLICATION

Comes Alabama Power Company, applicant in the above condemnation proceeding, and with leave of court first had and obtained, amends its application heretofore filed as follows:

1. By striking International Paper Company as a party defendant in this cause.
2. By striking all of Par. 1 of Article Fourth of said application.

Applicant further requests that the changes set out in this amendment to the application be incorporated where applicable in all orders, notices and reports entered in this cause.

ALABAMA POWER COMPANY

By Jack D. Cal  
Its Attorney

Martin Balch, Birmingham, Hawthorn & Williams

Jack D. Cal  
J. B. Blackburn

Attorneys for Applicant,  
Alabama Power Company

Filed Sept. 7, 1966  
Harry D'Oliver,  
Judge of Probate.

STATE OF ALABAMA    )  
                              )  
JEFFERSON COUNTY    )


Before me, the undersigned authority, personally appeared Jack D. Carl, who, being by me first duly sworn, deposes and says that he is attorney for the applicant, Alabama Power Company, and has authority to make this affidavit and to institute and prosecute the foregoing amendment to the application for the condemnation of the lands, rights and interests therein described, and that the statements contained in the foregoing amendment are true and correct as therein alleged.

Jack D. Carl

Sworn to and subscribed before  
me, this the 16 day of September,  
1966.

Thomas W. Christman

Notary Public,  
Jefferson County, Alabama

 My Commission Expires June 15, 1970

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IN THE COURT OF PROBATE  
OF BALDWIN COUNTY, ALABAMA

ALABAMA POWER COMPANY,

Applicant,

v.

INTERNATIONAL PAPER COMPANY,  
ET AL.,

Defendants.

AMENDMENT NO. 1 TO APPLICATION



STATE OF ALABAMA,  
Jefferson County.

KNOW ALL MEN BY THESE PRESENTS, That we, Alabama Power Company, as principal, and.....

The Aetna Casualty and Surety Company

....., as surety, are held and firmly bound unto

Mrs. Camella N. Hooper

in the just and full sum of One Thousand Three Hundred Seventy-Six & No/100 (\$1,376.00)

Dollars, for the payment of which well and truly to be made we bind ourselves, our successors and assigns, jointly and severally by these presents

This the 18th day of November, 19 66

WHEREAS, said Alabama Power Company heretofore filed its application in the Court of Probate of Baldwin County, Alabama, against Mrs. Camella N. Hooper seeking to condemn the lands, rights of way, rights, interests and easements therein described;

AND WHEREAS the said Court of Probate did in and by a decree of date the 7th day of September, 19 66, grant the prayer of said application and appoint commissioners, as required by law, to ascertain and assess the damages and compensation of the defendant as the owner of the lands, rights of way, rights, interests and easements described in paragraph 7 of Article Fourth of said application;

AND WHEREAS said commissioners did ascertain and assess such damages and compensation of the said

Mrs. Camella N. Hooper

in accordance with the statutes of the State of Alabama at the sum of Six Hundred Eighty-Eight Dollars, as shown in paragraph 7 of the report of said commissioners;

AND WHEREAS thereafter on the 19th day of October, 19 66, an order was made by said Court of Probate condemning the said lands, rights of way, rights, interests and easements belonging to the said

Mrs. Camella N. Hooper

AND WHEREAS an appeal from such order of condemnation has been taken to the Circuit Court of Baldwin County, Alabama

AND WHEREAS said Alabama Power Company has paid into said Court of Probate in money the amount of said damages and compensation so assessed by said commissioners for said Mrs. Camella N. Hooper

STATE OF ALABAMA, BALDWIN COUNTY  
Filed Nov 25, 1966  
Recorded Harry G. Poline  
Judge of Probate

and is desirous that said judgment, or order of condemnation, be not suspended pending such appeal and desires to enter upon said lands for the uses and purposes stated in said application pending said appeal;

NOW, THEREFORE, the condition of the above obligation is such that if the said Alabama Power Company shall pay such damages as the said Mrs. Camella N. Hooper

may sustain, this obligation shall be void; otherwise to remain in full force and effect.

ALABAMA POWER COMPANY,

By Joseph M. Farley  
As Its EXECUTIVE VICE PRESIDENT

ATTEST:

Mary Cochran  
Assistant Secretary

THE AETNA CASUALTY AND SURETY CO.

W. W. K. R. H.  
RESIDENT VICE PRESIDENT

Attest: Jim Presley  
RESIDENT ASSISTANT SECRETARY

Approved and filed this 25 day of Nov, 1966

Harry D'Oliver  
Judge of the Court of Probate of Baldwin County, Alabama.

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No. _____	ALABAMA POWER COMPANY	Vs.	IN THE COURT OF PROBATE	County, Alabama.	Bond of Alabama Power Company	Filed in office this the _____ day of _____ 19____	Judge of Probate.
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# The Aetna Casualty and Surety Company

Hartford, Connecticut 06115

## Power of Attorney and Certificate of Authority of Resident Vice President(s) and Resident Assistant Secretary(ies)

KNOW ALL MEN BY THESE PRESENTS, That *The Aetna Casualty and Surety Company*, a corporation organized under the laws of the State of Connecticut and having its principal office in the City of Hartford, State of Connecticut, by its duly authorized officer, does hereby appoint the following resident officer(s), with business address indicated below but without territorial restriction, and does grant full power and authority to each Resident Vice President to sign and execute on its behalf, and to each Resident Assistant Secretary to seal and attest on its behalf, any and all bonds, recognizances, contracts of indemnity, or writings obligatory in the nature of a bond, recognizance, or conditional undertaking and any and all consents incident thereto, and all such instruments signed by any one of said Resident Vice Presidents, when sealed and attested by any other person named below as one of said Resident Assistant Secretaries, shall be as valid and binding upon the Company as if the same had been signed by the President and duly sealed and attested:

RESIDENT VICE PRESIDENT(S)	RESIDENT ASSISTANT SECRETARY (IES)	BUSINESS ADDRESS
John H. Cobbs	Fern Presley	Birmingham, Alabama
Wilbur K. Allen	Loyd McKnight	
Loyd McKnight	Andrew W. Stumpf	
John C. Hall	* * *	
Andrew W. Stumpf		
* * *		

These appointments are made under and by authority of the following provisions of the By-laws of the Company which provisions are now in full force and effect and are the only applicable provisions of said By-laws:

ARTICLE IV—Section 8. The President, any Vice President, or any Secretary may from time to time appoint Resident Vice Presidents, Resident Assistant Secretaries, Attorneys-in-Fact, and Agents to act for and on behalf of the Company and may give any such appointee such authority as his certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors may at any time remove any such appointee and revoke the power and authority given him.

ARTICLE IV—Section 10. Any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President or a Vice President or by a Resident Vice President, pursuant to the power prescribed in the certificate of authority of such Resident Vice President, and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary or by a Resident Assistant Secretary, pursuant to the power prescribed in the certificate of authority of such Resident Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact pursuant to the power prescribed in his or their certificate or certificates of authority.

This Power of Attorney and Certificate of Authority is signed and sealed by facsimile under and by authority of the following Resolution adopted by the Board of Directors of *The Aetna Casualty and Surety Company* at a meeting duly called and held on the 15th day of February, 1963.

RESOLVED: That the signature of Guy E. Mann, Senior Vice President, or of A. H. Anderson, Vice President, or of D. N. Gage, Secretary, or of C. K. Shaw, Secretary, or of N. H. Pfanstiel, Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, *The Aetna Casualty and Surety Company* has caused this instrument to be signed by its Secretary, and its corporate seal to be hereto affixed, this 5th day of April, A.D., 1965

*The Aetna Casualty and Surety Company*

State of Connecticut }  
County of Hartford } ss. Hartford



By Dh Gage  
Secretary

On this 5th day of April, A.D., 1965, before me personally came D. N. GAGE, to me known, who, being by me duly sworn, did depose and say: that he is Secretary of *The Aetna Casualty and Surety Company*, the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by authority of his office under the By-laws of said corporation and that he signed his name thereto by like authority.



George A. Perry, Jr.  
Notary Public  
My commission expires March 31, 1966.

### CERTIFICATE

I, the undersigned, Secretary of *The Aetna Casualty and Surety Company*, a stock corporation of the State of Connecticut, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney and Certificate of Authority remains in full force and has not been revoked; and furthermore, that Article IV—Sections 8 and 10, of the By-laws of the Company, and the Resolution of the Board of Directors, as set forth in the Certificate of Authority, are now in force.

Signed and Sealed at the Home Office of the Company, in the City of Hartford, State of Connecticut. Dated this 18th day of November A.D., 1966



By Dh Gage  
Secretary

PAR. 1 A strip of land 60 feet in width which lies within the east half of the southwest quarter ( $E\frac{1}{2}$  of  $SW\frac{1}{4}$ ) and the southwest quarter of the southeast quarter ( $SW\frac{1}{4}$  of  $SE\frac{1}{4}$ ) of Section 24, Township 1 south, Range 2 east, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning, commence at the southeast corner of Section 24, Township 1 south, Range 2 east; thence run west along the south boundary line of such Section 24 a distance of 2285.7 feet to a point on the south boundary line of the property 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 to be condemned lies 30 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 58 degrees 38 minutes and thence runs north 31 degrees 23 minutes west a distance of 2970 feet, more or less, to a point on Alabama Power Company's existing right of way, such point being the point of ending of the right of way sought to be condemned.

The said International Paper Company is the owner of the lands described above.

PAR. 1 A strip of land 60 feet in width which lies within the east half of the southwest quarter ( $E\frac{1}{2}$  of  $SW\frac{1}{4}$ ) and the southwest quarter of the southeast quarter ( $SW\frac{1}{4}$  of  $SE\frac{1}{4}$ ) of Section 24, Township 1 south, Range 2 east, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning, commence at the southeast corner of Section 24, Township 1 south, Range 2 east; thence run west along the south boundary line of such Section 24, a distance of 2285.7 feet to a point on the south boundary line of the property 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 to be condemned lies 30 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 58 degrees 38 minutes and thence runs north 31 degrees 23 minutes west a distance of 2970 feet, more or less, to a point on Alabama Power Company's existing right of way, such point being the point of ending of the right of way sought to be condemned.

The said International Paper Company is the owner of the lands described above.

ALABAMA POWER COMPANY

vs.

INTERNATIONAL PAPER COMPANY, ET AL

In the Court of Probate of

Baldwin

County, Alabama

To: Mr. Evans Hinson (Agent for Service of Process for International Paper Company)

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land sixty (60) feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the Tu day of September, 1966, at 9:30 AM o'clock, , and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 8th day of August, 1966.

*Harry D. Blue*  
Judge of the Court of Probate of  
Baldwin County, Alabama

044  
PAGE  
582

3734  
RECEIVED IN OFFICE

AUG 8 1966  
AUG 9 1966

TAYLOR WILKINS  
M. S. BUTLER, Sheriff

1325  
**Alabama Power Company**

vs.

INTERNATIONAL PAPER COMPANY,  
ET AL.

In the Court of Probate of Baldwin  
County, Alabama.

STATE OF ALABAMA,

Montgomery County.

I hereby certify that I have executed the  
within notice by leaving a copy of the same  
with Mr. Evans Hinson (Agent for  
Service of Process for Int'l. Paper Co.)  
personally, on the 10 day of

August, 1966

Sheriff

Alabama

Montgomery  
County

By

Walker

Deputy Sheriff

The Sheriff claims 2  
miles at 10c per mile for a total  
of \$ 20

M. S. Butler, Sheriff  
Montgomery County, Ala.

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Mr. Evans Hinson (Agent for Service of  
Process for International Paper Co.)  
26 South Perry  
Montgomery, Alabama

STATE OF ALABAMA,  
Jefferson County.

KNOW ALL MEN BY THESE PRESENTS, That we, Alabama Power Company, as principal, and

The Aetna Casualty and Surety Company

, as surety, are held and firmly bound unto

Mrs. Camella N. Hooper

in the just and full sum of One Hundred and No/100 (\$100.00)

Dollars, for the payment of which well and truly to be made we bind ourselves, our successors and assigns, jointly and severally by these presents

This the 18 day of November, 1966

WHEREAS, said Alabama Power Company heretofore filed its application in the Court of Probate of Baldwin County, Alabama, against Mrs. Camella N. Hooper seeking to  
way  
condemn the lands, rights of /, rights, interests and easements therein described;

AND WHEREAS the said Court of Probate did in and by a decree of date the 7th day of September, 1966, grant the prayer of said application and appoint commissioners, as required by law, to ascertain and assess the damages and compensation of the defendant as the owner of the lands, rights of /, rights, interests and easements described in paragraph 8 of Article Fourth of said application;

AND WHEREAS said commissioners did ascertain and assess such damages and compensation of the said Mrs. Camella N. Hooper

in accordance with the statutes of the State of Alabama at the sum of Fifty Dollars (\$50.00) Dollars, as shown in paragraph 8 of the report of said commissioners;

AND WHEREAS thereafter on the 19th day of October, 1966, an order was made by said Court of Probate condemning the said lands, rights of way rights, interests and easements belonging to the said Mrs. Camella N. Hooper

AND WHEREAS an appeal from such order of condemnation has been taken to the Circuit Court of Baldwin County, Alabama

AND WHEREAS said Alabama Power Company has paid into said Court of Probate in money the amount of said damages and compensation so assessed by said commissioners for said Mrs. Camella N. Hooper

STATE OF ALABAMA, BALDWIN COUNTY  
Filed Nov 25, 1966  
Recorded 172  
book 172 page 172  
Harry D. Oliver  
Judge of Probate



and is desirous that said judgment, or order of condemnation, be not suspended pending such appeal and desires to enter upon said lands for the uses and purposes stated in said application pending said appeal;

NOW, THEREFORE, the condition of the above obligation is such that if the said Alabama Power Company shall pay such damages as the said Mrs. Camella N. Hooper

may sustain, this obligation shall be void; otherwise to remain in full force and effect.

ALABAMA POWER COMPANY,

By Joseph M. Farley  
As Its EXECUTIVE VICE PRESIDENT

ATTEST:

Mary Cochran  
Assistant Secretary

THE AETNA CASUALTY AND SURETY CO.

W. M. Farley  
RESIDENT VICE PRESIDENT

John P. Presley  
RESIDENT ASSISTANT SECRETARY

Approved and filed this 25 day of November, 19 66

Harry D. Oliver  
Judge of the Court of Probate of Baldwin County, Alabama.

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No.

ALABAMA POWER COMPANY  
Vs.

IN THE COURT OF PROBATE

of \_\_\_\_\_ County, Alabama.

Bond of Alabama Power Company

Filed in office this the \_\_\_\_\_

day of \_\_\_\_\_ 19\_\_\_\_

Judge of Probate.

# The Aetna Casualty and Surety Company

Hartford, Connecticut 06115

## Power of Attorney and Certificate of Authority of Resident Vice President(s) and Resident Assistant Secretary(ies)

KNOW ALL MEN BY THESE PRESENTS, That *The Aetna Casualty and Surety Company*, a corporation organized under the laws of the State of Connecticut and having its principal office in the City of Hartford, State of Connecticut, by its duly authorized officer, does hereby appoint the following resident officer(s), with business address indicated below but without territorial restriction, and does grant full power and authority to each Resident Vice President to sign and execute on its behalf, and to each Resident Assistant Secretary to seal and attest on its behalf, any and all bonds, recognizances, contracts of indemnity, or writings obligatory in the nature of a bond, recognizance, or conditional undertaking and any and all consents incident thereto, and all such instruments signed by any one of said Resident Vice Presidents, when sealed and attested by any other person named below as one of said Resident Assistant Secretaries, shall be as valid and binding upon the Company as if the same had been signed by the President and duly sealed and attested:

RESIDENT VICE PRESIDENT(S)	RESIDENT ASSISTANT SECRETARY (IES)	BUSINESS ADDRESS
John H. Cobbs	Fern Presley	Birmingham, Alabama
Wilbur K. Allen	Loyd McKnight	
Loyd McKnight	Andrew W. Stumpf	
John C. Hall	* * *	
Andrew W. Stumpf		
* * *		

These appointments are made under and by authority of the following provisions of the By-laws of the Company which provisions are now in full force and effect and are the only applicable provisions of said By-laws:

ARTICLE IV—Section 8. The President, any Vice President, or any Secretary may from time to time appoint Resident Vice Presidents, Resident Assistant Secretaries, Attorneys-in-Fact, and Agents to act for and on behalf of the Company and may give any such appointee such authority as his certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors may at any time remove any such appointee and revoke the power and authority given him.

ARTICLE IV—Section 10. Any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President or a Vice President or by a Resident Vice President, pursuant to the power prescribed in the certificate of authority of such Resident Vice President, and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary or by a Resident Assistant Secretary, pursuant to the power prescribed in the certificate of authority of such Resident Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact pursuant to the power prescribed in his or their certificate or certificates of authority.

This Power of Attorney and Certificate of Authority is signed and sealed by facsimile under and by authority of the following Resolution adopted by the Board of Directors of *The Aetna Casualty and Surety Company* at a meeting duly called and held on the 15th day of February, 1963.

RESOLVED: That the signature of Guy E. Mann, Senior Vice President, or of A. H. Anderson, Vice President, or of D. N. Gage, Secretary, or of C. K. Shaw, Secretary, or of N. H. Pfanstiel, Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature and attesting bonds and undertakings shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, *The Aetna Casualty and Surety Company* has caused this instrument to be signed by its Secretary, and its corporate seal to be hereto affixed, this 5th day of April, A.D., 1965

*The Aetna Casualty and Surety Company*

State of Connecticut }  
County of Hartford } ss. Hartford



By Dh Gage  
Secretary

On this 5th day of April, A.D., 1965, before me personally came D. N. GAGE, to me known, who, being by me duly sworn, did depose and say: that he is Secretary of *The Aetna Casualty and Surety Company*, the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by authority of his office under the By-laws of said corporation and that he signed his name thereto by like authority.



George A. Perry, Jr.  
Notary Public

My commission expires March 31, 1966.

### CERTIFICATE

I, the undersigned, Secretary of *The Aetna Casualty and Surety Company*, a stock corporation of the State of Connecticut, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney and Certificate of Authority remains in full force and has not been revoked; and furthermore, that Article IV—Sections 8 and 10, of the By-laws of the Company, and the Resolution of the Board of Directors, as set forth in the Certificate of Authority, are now in force.

Signed and Sealed at the Home Office of the Company, in the City of Hartford, State of Connecticut. Dated this 18th day of November, A.D., 1966



Dh Gage  
Secretary

PAR. 7 A strip of land 30 feet in width which lies within the east half of east half of east half of east half ( $E\frac{1}{2}$  of  $E\frac{1}{2}$  of  $E\frac{1}{2}$  of  $E\frac{1}{2}$ ) of Section 17, Township 2 south, Range 3 east, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning, commence at the southwest corner of Section 8, Township 2 south, Range 3 east; thence run east along the south boundary line of such Section 8, a distance of 2545.3 feet to a point; thence turn an angle to the left of 24 degrees 13 minutes and run north 64 degrees 58 minutes east a distance of 3809 feet to a point; thence turn an angle to the left of 90 degrees 00 minutes and run north 25 degrees 02 minutes west a distance of 283.8 feet to a point; thence turn an angle to the right of 24 degrees 31 minutes and run north 00 degrees 31 minutes west a distance of 262.9 feet to a point; thence turn an angle to the right of 68 degrees 32 minutes and run north 68 degrees 01 minute east a distance of 1647.4 feet to a point; thence turn an angle to the right of 89 degrees 59 minutes and run south 22 degrees 00 minutes east a distance of 2515.5 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 to be condemned lies 15 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs south 22 degrees 00 minutes east a distance of 244 feet, more or less, to a point on the northerly right of way line of Dolive Street, such point being the point of ending of the right of way sought to be condemned.

The said Mrs. Camella N. Hooper, a widow, is the owner of the lands described above.

PAR. 8 The rights to be acquired in this parcel consist of the right to cut such timber and other growth along and adjacent to the north boundary line of Dolive Street, such street located in the east half of east half ( $E\frac{1}{2}$  of  $E\frac{1}{2}$ ) of Section 17; west half of west half ( $W\frac{1}{2}$  of  $W\frac{1}{2}$ ) of Section 16, all in Township 2 south, Range 3 east, Baldwin County, Alabama, as may injure or endanger by falling or otherwise the towers, poles, wire lines and other appliances that are to be hereafter constructed or placed on the following described right of way: To reach the point of beginning of said right of way, commence at the southwest corner of Section 8, Township 2 south, Range 3 east; thence run east along the south boundary line of such Section 8 a distance of 2545.3 feet to a point; thence turn an angle to the left of 24 degrees 13 minutes and run north 64 degrees 58 minutes east a distance of 3809 feet to a point; thence turn an angle to the left of 90 degrees 00 minutes and run north 25 degrees 02 minutes west a distance of 283.8 feet to a point; thence turn an angle to the right of 24 degrees 31 minutes and run north 00 degrees 31 minutes west a distance of 262.9 feet to a point; thence turn an angle to the right of 68 degrees 32 minutes and run north 68 degrees 01 minute east a distance of 1647.4 feet to a point; thence turn an angle to the right of 89 degrees 59 minutes and run south 22 degrees 00 minutes east a distance of 2764.8 feet to a point, such point being the point of beginning of the right of way herein described; therefrom, the strip of right of way lies 5 feet on each side of a center line and the continuations thereof which begins at such point of beginning turns an angle to the left of 100 degrees 24 minutes and run north 57 degrees 36 minutes east a distance of 468.6 feet to a point, such point being called Point A for reference hereinafter; also, such point being the point of ending of said right of way sought to be condemned. The applicant also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 40 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 towers, poles, wire lines and appliances of applicant.

The said Mrs. Camella N. Hooper, a widow, is the owner of the lands described above.

ALABAMA POWER COMPANY

vs.

In the Court of Probate of

Baldwin

County, Alabama

INTERNATIONAL PAPER COMPANY, ET AL

To: Mrs. Camella N. Hooper

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for ways and rights of way upon which to erect tower, pole and wire lines and other appliances necessary or convenient in connection therewith, for the manufacture, supply and sale to the public of electric power, on, across and over a strip of land thirty (30) feet in width, according to the final location survey of the said ways and rights of way heretofore made by the applicant, the said strip of land and the lands of which the same is a part being situated in Baldwin County, Alabama, and described as follows:

And you are further notified that the hearing of said application has been set by the Court for the 7th day of September, 19 66, at 9:30 A.M. o'clock, , and notice of said application and of the day so appointed for the hearing thereof is hereby given to you.

Witness my hand this the 7th day of August, 19 66.

*Harry D. Oliver*  
Judge of the Court of Probate of  
Baldwin County, Alabama

RECEIVED

AUG 8 1966

TAYLOR WILKINS  
CLERK

1325

Alabama Power Company

vs.

INTERNATIONAL PAPER COMPANY,  
ET AL

In the Court of Probate of Baldwin  
County, Alabama.

STATE OF ALABAMA,

Baldwin County.

I hereby certify that I have executed the  
within notice by leaving a copy of the same  
with Mrs. Camella N. Hooper  
personally, on the 9th day of

Aug. 1966.  
Taylor Wilkins  
Sheriff County

By W. A. Talbot  
Deputy Sheriff

Mrs. Camella N. Hooper  
Mobile Highway  
Bay Minette, Alabama

ALABAMA POWER COMPANY

CONDEMNOR

VS

INTERNATIONAL PAPER COMPANY  
et al

CONDEMNNEES

IN THE PROBATE COURT

BALDWIN COUNTY, ALABAMA

NUMBER: 5764

BOOK 044 PAGE 614

NOTICE OF APPEAL

Comes now Camelia N. Hooper, one of the Condemnees in the above styled cause and prays and takes an appeal to the Circuit Court of Baldwin County, Alabama, from the final order of condemnation heretofore rendered in this cause and dated September 26, 1966, as to parcel number 7 and parcel number 8 as described in the proceedings in this cause, which tracts of land are within the East Half of the East Half of the East Half of the East Half of Section 17, Township 2 South, Range 3 East, Baldwin County, Alabama.

Dated this 21 day of October, 1966.

Wilson Hayes  
Wilson Hayes, Attorney for Condemnee

Condemnees demands trial

of said cause by jury.

This the 21st day of October,  
1966.

Wilson Hayes  
Attorney for said Condemnee

STATE OF ALABAMA, BALDWIN COUNTY

Filed Oct. 21, 1966

Recorded \_\_\_\_\_ book \_\_\_\_\_ page \_\_\_\_\_

Harry W. O'Neil  
Judge of Probate

**CERTIFICATE OF SERVICE**

I do hereby certify that I have on this 21st day of Oct  
1966 served a copy of the foregoing pleading on counsel for all  
parties to this proceeding by mailing the same by United States  
Mail, properly addressed, with first class postage prepaid.

Wilson Hayes

7157252 Ala Power Co.

U.S. International Paper Co. & Canulla Hogher  
JURY LIST - MARCH 6, 1967 - SPRING SESSION

- ~~1. Ball, Johnnie Ruth, Bookkeeper, Bay Minette~~
- ~~2. Baskin, Rayon, Bay Minette~~
- ~~3. Benik, Edward, Farmer, Belforest~~
- ~~4. Benton, Thomas H., Farmer, Gulf Shores~~
- ~~5. Cooper, Claude, Farmer, Rosinton~~
- ~~6. Pierce, Arthur, Insurance, Fairhope~~
- ~~7. Porter, Darrell Lee, Utility Man, Summerdale~~
- ~~8. Mannich, Arthur, Merchant, Fairhope~~
- ~~9. Matthews, Reid, Furniture Store Oper., Robertsdale~~
- ~~10. Clemmons, W. P., Carpenter, Fairhope~~
- ~~11. Cleveland, Lyle F., Nurseryman, Foley~~
- ~~12. Dyne, Charles, Merchant, Foley~~
- ~~13. Crawford, Harry E., Operator, Elberta~~
- ~~14. Campbell, Acie, Farmer, Rosinton~~
- ~~15. Bush, Nelson, Farmer, Bay Minette~~
- ~~16. Hesse, Henry W., Business, Foley~~
- ~~17. Harris, Guy H., Merchant, Foley~~
- ~~18. Harris, Joe, Merchant, Stockton~~
- ~~19. McGowan, Randolph, Jr., Store Keeper, Bay Minette~~
- ~~20. McMillan, Raymond N., Farmer, Stockton~~
- ~~21. Sanders, William G., Real Estate, Gulf Shores~~
- ~~22. Spader, Aubrey, Office, Robertsdale~~
- ~~23. Spivey, Roy, - - Bon Secour~~
- ~~24. Strippine, Fred, Television Repair, Robertsdale~~
- ~~25. Thompson, Robert W., Merchant, Foley~~
- ~~26. Venson, Cecil, Civil Service, Stapleton~~
- ~~27. White, John R., Utilities Man, Foley~~
- ~~28. Parker, Floyd B., Millman, Stockton~~
- ~~29. Nail, Wilber C., Farmer, Bon Secour~~
- ~~30. Sanders, E. Frank, Banker, Foley~~
- ~~31. Koehler, Frank, Farmer, Lillian~~
- ~~32. Beverly, Marvin, Laborer, Robertsdale~~
- ~~33. Blair, Donohy L., - - Stapleton~~
- ~~34. Soeschen, Sarah, - - Bay Minette~~
- ~~35. Nail, Glenn, Merchant, Robertsdale~~
- ~~36. Crosby, James W., Bookkeeper, Foley~~
- ~~37. Long, Volton, Electrician, Foley~~
- ~~38. Bryers, Ewing E., Reserve Fleet, Bay Minette~~
- ~~39. Weeks, William, Laborer, Magnolia Springs~~
- ~~40. Barle, Doris K., - - Bay Minette~~
- ~~41. DuBrock, George, Cabinet Maker, Fairhope~~
- ~~42. Durant, Wilma W., - - Promley~~
- ~~43. Durant, Percy N., Merchant, Bay Minette~~
- ~~44. Arant, Luther, Postal Emp., Foley~~
- ~~45. Jones, Sanford, Newport, Bay Minette~~
- ~~46. Flowers, John B., Farmer, Gulf Shores~~
- ~~47. Akers, Redus M., Insurance, Bay Minette~~
- ~~48. Fuller, David, Motel, Spanish Fort - Daphne~~

T XXXXX XXXXX XX

D XXXXX XXXXX XX

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ALABAMA POWER COMPANY,

Applicant,

v.

INTERNATIONAL PAPER COMPANY, ET AL.,

Defendants.

IN THE COURT OF PROBATE OF

BALDWIN COUNTY, ALABAMA

In the Matter of the Application  
of Alabama Power Company to Con-  
demn Certain Lands in said County

ORDER SETTING DAY TO HEAR APPLICATION TO CONDEMN

On this day comes Alabama Power Company and files its application in writing duly verified by oath and accompanied by security for costs, seeking to condemn and acquire certain easements, rights and rights of way therein described and alleged to be owned by Mrs. Camella N. Hooper, Hampton D. Ewing, Jr., Mary Elisabeth Ewing, Hampton D. Ewing, Jr. and James R. Cogan, as Co-Executors and Co-Trustees under the Last Will and Testament of James D. Ewing, deceased, Peter Fletcher Ewing, Virginia Ewing, Irene Fraley, husband of Irene Fraley, whose name is otherwise unknown, Bay Minette Land Company, International Paper Company; and it appearing to the Court that said application complies with the statutes of the State of Alabama in such cases made and provided; and that the applicant is entitled to file such application in this Court.

It is now, therefore, CONSIDERED, ORDERED and ADJUDGED by the Court that this Court has and does take jurisdiction of said application and the 7th day of September, 1966, at 9:30 o'clock, A.M., be and is appointed as the time for the hearing thereof;

And it is further ordered by the Court that notice of such application and of the day hereby appointed for the hearing thereof be given to the nonresident defendants, Hampton D. Ewing, Jr., Mary Elisabeth Ewing, Hampton D. Ewing, Jr. and James R. Cogan, as Co-Executors and Co-Trustees under the Last Will and Testament of James D. Ewing, deceased, and to defendants whose addresses are unknown, Peter Fletcher Ewing, Virginia Ewing, Irene Fraley, husband of Irene Fraley, whose name is otherwise unknown, by advertisement in the Baldwin Times, a newspaper of general circulation published in Baldwin County, once a week for at least three consecutive weeks before the day so appointed for such hearing, and that notice of such application and of the day hereby appointed for the hearing thereof be issued to the remaining defendants and that service be had in this state in the manner required by law at least ten days before the day so appointed for such hearing.

1966.

Done in open court, this 8<sup>th</sup> day of August ,

Harry D'Olive  
Judge of the Court of Probate of  
Baldwin County, Alabama

BOOK 044 PAGE 574

IN THE COURT OF PROBATE OF  
BALDWIN COUNTY, ALABAMA

ALABAMA POWER COMPANY

Applicant,

v.

INTERNATIONAL PAPER COMPANY, ET AL.,  
Defendants.

LEGAL NOTICE BY PUBLICATION

ALABAMA POWER COMPANY,

Applicant,

v.

INTERNATIONAL PAPER COMPANY,  
ET AL.,

Defendants.

IN THE COURT OF PROBATE OF

BALDWIN COUNTY, ALABAMA

ORDER GRANTING APPLICATION AND APPOINTING COMMISSIONERS

This cause coming on to be heard upon the application of Alabama Power Company, a corporation, applicant in the above cause, to condemn certain lands or interests in lands for power line purposes;

And it appearing to the Court that all nonresident defendants and persons of unknown address and persons unknown who are the owners of, or the owners of an interest in, the lands described in Article Fourth of the application, have had notice of the filing of said application and of the day set for hearing thereof, as provided by law, and in strict accordance with the former order of this Court made and entered in this cause on, to-wit, the 8th day of August, 1966, by publication of legal notice of this proceeding for three consecutive weeks prior to September 7<sup>th</sup>, 1966, in Baldwin Times, a newspaper of general circulation, published in Baldwin County, Alabama;

And it further appearing to the Court that all the remaining defendants named in said application have had notice of the filing of said application and of the day set for the hearing thereof, as provided by law and in strict accordance with the former order of this Court made and entered in this cause on, to-wit, the 8th day of August, 1966;

Thereupon the Court proceeded to hear on the 7<sup>th</sup> day of September, 1966, the allegations of the said application and all legal evidence offered by the parties touching the same, and upon consideration of the application the Court now determines that all of the allegations of the application have been established and proven by legal evidence as to every party named therein, and that the application should be granted.

It is, therefore, ORDERED, ADJUDGED and DECREED that the application be and the same is hereby granted as to all parties named therein. And the Court now coming to appoint commissioners to assess the damages and compensation to which said defendants are entitled for the lands or interest in lands sought to be condemned by the applicant, and it appearing to the Court that J. A. Wurst, MARVIN KELLEY

BOOK 044 PAGE 587

and James H. Lindsey, are citizens of Baldwin County, Alabama, the county in which the lands sought to be condemned are situated, and that each of such three named persons possesses the qualifications of jurors under the laws of the State of Alabama and is disinterested in the proceeding;

It is, therefore, ORDERED, ADJUDGED and DECREED that J. A. Wurst, MARVIN KELLEY and James H. Lindsey, be and they are hereby appointed commissioners to assess the damages and compensation to which such defendants, as owners and parties holding or claiming some interest in the lands described in the application are entitled.

It is further ordered that notice of the appointment of the commissioners be served upon each of such commissioners and that they report to this Court, in writing, the amount of damages and compensation so ascertained and assessed by them as being due said owners of, or the owners of an interest in, said lands within the time prescribed by law.

Done in open court, this the 7<sup>th</sup> day of September, 1966.

Harry D'Oliver  
Judge of the Court of Probate of  
Baldwin County, Alabama

BOOK 044  
PAGE 588

CASE NO. \_\_\_\_\_

ALABAMA POWER COMPANY,

Applicant,

v.

INTERNATIONAL PAPER COMPANY,

Defendants.

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ORDER GRANTING APPLICATION

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IN THE COURT OF PROBATE OF

BALDWIN COUNTY, ALABAMA

APPLICATION FOR ORDER OF CONDEMNATION

# 72 52

TO THE HONORABLE COURT OF PROBATE OF BALDWIN COUNTY,  
ALABAMA, AND THE HONORABLE HARRY D'OLIVE,  
THE JUDGE THEREOF

Comes Alabama Power Company, a corporation, and files this its application in the Court of Probate of Baldwin County, Alabama, against the owners listed below in Article First for an order of condemnation of the lands, rights and interests therein, hereinafter described, and shows unto the Court as follows:

ARTICLE FIRST: That applicant, Alabama Power Company, is a corporation organized and existing under the laws of the State of Alabama, with its principal place of business at Birmingham, Jefferson County, Alabama; that the place of residence or post office address of the person against whom this application is filed who is over the age of twenty-one (21) years, who is of sound mind and who is a resident of the State of Alabama is as follows:

<u>Name</u>	<u>Address</u>
Mrs. Camella N. Hooper	Mobile Highway Bay Minette, Alabama

that the following persons against whom this application is filed are over the age of twenty-one (21) years, of sound mind and nonresidents of the State of Alabama, residing at the addresses stated:

<u>Name</u>	<u>Address</u>
Hampton D. Ewing, Jr.	c/o Cadwalder, Wickersham & Taft 14 Wall Street New York, New York
Mary Elisabeth Ewing	c/o Cadwalder, Wickersham & Taft 14 Wall Street New York, New York
Hampton D. Ewing, Jr. and	c/o Cadwalder, Wickersham & Taft 14 Wall Street New York, New York

James R. Cogan,  
as Co-Executors and Co-Trustees  
under the Last Will and Testament  
of James D. Ewing, deceased.

STATE OF ALABAMA, BALDWIN COUNTY  
Filed August 8, 1966  
Recorded Harry D'Olive book        page         
Judge of Probate LB.

that the addresses of the following persons against whom this application is filed are unknown, and that applicant has used reasonable diligence to ascertain the addresses of such persons but has been unable to do so.

Name

Peter Fletcher Ewing

Virginia Ewing

Irene Fraley

Husband of Irene Fraley  
whose name is otherwise  
unknown

that the following person against whom this application is filed is a corporation organized and existing under the laws of the State of Alabama and whose address is as follows:

Name

Address

Bay Minette Land Company

Bay Minette, Alabama

that the following person against whom this application is filed is a foreign corporation qualified to do business in the State of Alabama, whose address and agent for service of process is as follows:

Name

Address

International Paper Company

c/o William Hanway  
220 East 42nd Street  
New York, New York

Agent for Service of Process

Evans Hinson  
26 South Perry  
Montgomery, Alabama

that the said defendants are the owners of, or the owners of an interest in, the lands hereinafter described and as hereinafter set out.

ARTICLE SECOND: That applicant is a power company, and has 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 to the public 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.

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ARTICLE THIRD: That the uses and purposes for which the said land, rights and interests hereinafter described are to be condemned and taken are for ways and rights of way on which to construct or erect towers, poles and wire lines, for the transmission, distribution, supply and sale to the public of electric power, and for selling and supplying such power, heat, light and electricity in the manner required by Title 10, Section 187, Code of Alabama 1940, as amended; and it therefore seeks to acquire ways and rights of way 60 and 30 feet in width on, across and over the land hereinafter described, and the right to construct and erect on, across and over said land 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 outside of said ways and rights of way as may injure or endanger such towers, poles and wire lines and other appliances by falling or otherwise and the right and authority to clear and remove said timber, and including the further right and authority to place guy wires and anchors outside of said ways and rights of way as hereinafter described in Paragraphs 2, 3 and 8 of Article Fourth of this application.

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 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 the applicant, the said strips of land and the lands of which the same are a part being situated in Baldwin County, Alabama, and described as follows:

BOOK 044 PAGE 560

PAR. 1 A strip of land 60 feet in width which lies within the east half of the southwest quarter ( $E\frac{1}{2}$  of  $SW\frac{1}{4}$ ) and the southwest quarter of the southeast quarter ( $SW\frac{1}{4}$  of  $SE\frac{1}{4}$ ) of Section 24, Township 1 south, Range 2 east, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning, commence at the southeast corner of Section 24, Township 1 south, Range 2 east; thence run west along the south boundary line of such Section 24, a distance of 2285.7 feet to a point on the south boundary line of the property 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 to be condemned lies 30 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 58 degrees 38 minutes and thence runs north 31 degrees 23 minutes west a distance of 2970 feet, more or less, to a point on Alabama Power Company's existing right of way, such point being the point of ending of the right of way sought to be condemned.

The said International Paper Company is the owner of the lands described above.

BOOK 044 PAGE 331

PAR. 2 A strip of land 60 feet in width which lies within the northeast quarter of the northwest quarter (NE $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of Section 8, Township 2 south, Range 3 east, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning, commence at the northwest corner of Section 8, Township 2 south, Range 3 east; thence run east along the north boundary line of such Section 8 a distance of 1332.3 feet to a point on the north boundary line of the property 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 to be condemned lies 30 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 87 degrees 17 minutes and thence runs south 03 degrees 01 minute east a distance of 205.2 feet to a point, such point being called Point A for reference hereinafter; thence such center line turns an angle to the left of 86 degrees 33 minutes and runs south 89 degrees 34 minutes east a distance of 993.7 feet to a point, such point being called Point B for reference hereinafter; thence such center line turns an angle to the right of 71 degrees 52 minutes and runs south 17 degrees 42 minutes east a distance of 1045 feet, more or less, to a point on the east boundary line of the property of the condemnees named in this paragraph, such point being the point of ending of the right of way sought to be condemned. The applicant also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 50 feet outside of and in a south and west direction also 30 feet outside of and in a southwest direction from such ways and rights of way at Point A indicated above; also the right and authority to place such guy wires and anchors for a distance not to exceed 50 feet outside of and in a north and east direction also 30 feet outside of and in a northwest 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 towers, poles, wire lines and appliances of applicant.

The said Hampton D. Ewing, Jr. and wife, Mary Elisabeth Ewing are the owners of the lands described above.

PAR. 3 A strip of land 60 feet in width which lies within the west half of the northeast quarter ( $W\frac{1}{2}$  of  $NE\frac{1}{4}$ ) of Section 8, Township 2 south, Range 3 east, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning, commence at the northwest corner of the northwest quarter of the northeast quarter of Section 8, Township 2 south, Range 3 east; thence run south along the west boundary line of said quarter-quarter section a distance of 1214.3 feet to a point; thence turn an angle to the left of 17 degrees 11 minutes and run south 17 degrees 42 minutes east a distance of 101.5 feet, more or less, to a point on the north boundary line of the property of the condemnees named in this paragraph, such point also being called Point A for reference hereinafter, and the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 30 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 17 degrees 11 minutes and runs south 00 degrees 31 minutes east a distance of 1071 feet, more or less, to a point on the south boundary line of the property of the condemnees named in this paragraph, such point being the point of ending of the right of way sought to be condemned. The applicant also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 60 feet outside of and in a easterly 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 towers, poles, wire lines and appliances of applicant.

The said Bay Minette Land Company, Hampton D. Ewing, Jr. and wife, Mary Elisabeth Ewing, Peter Fletcher Ewing and wife, Virginia Ewing, Irene Fraley and husband of Irene Fraley, whose name is otherwise unknown and Hampton D. Ewing, Jr. and James R. Cogan as Co-Executors and Co-Trustees under the Last Will and Testament of James D. Ewing, deceased, are the owners of the lands described above.

PAR. 4 The rights to be acquired in this parcel consist of the right to cut such timber and other growth along and adjacent to the east boundary line of the east half of east half of east half of southeast quarter of northwest quarter ( $E\frac{1}{2}$  of  $E\frac{1}{2}$  of  $E\frac{1}{2}$  of  $SE\frac{1}{4}$  of  $NW\frac{1}{4}$ ) and the east half of southeast quarter of southeast quarter of northeast quarter of northwest quarter ( $E\frac{1}{2}$  of  $SE\frac{1}{4}$  of  $SE\frac{1}{4}$  of  $NE\frac{1}{4}$  of  $NW\frac{1}{4}$ ) of Section 8, Township 2 south, Range 3 east, Baldwin County, Alabama, as may injure or endanger by falling, or otherwise the towers, poles, wire lines and other appliances that are to be hereafter constructed or placed on the following described right of way: To reach the point of beginning of said right of way, commence at the northwest corner of Section 8, Township 2 south, Range 3 east; thence run east along the north boundary line of such Section 8 a distance of 1332.3 feet to a point; thence turn an angle to the right of 87 degrees 17 minutes and run south 03 degrees 01 minute east a distance of 205.2 feet to a point; thence turn an angle to the left of 86 degrees 33 minutes and run south 89 degrees 34 minutes east a distance of 993.7 feet to a point; thence turn an angle to the right of 71 degrees 52 minutes and run south 17 degrees 42 minutes east a distance of 1146.2 feet to a point; such point being the point of beginning of the right of way herein described; therefrom, the strip of right of way lies 30 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 17 degrees 11 minutes and runs south 00 degrees 31 minutes east a distance of 1380.6 feet to a point on the center line of Baldwin County Highway #78, such point being the point of ending of said right of way.

The said Hampton D. Ewing, Jr. and wife, Mary Elisabeth Ewing are the owners of the lands described above.

PAR. 5 The rights to be acquired in this parcel consist of the right to cut such timber and other growth along and adjacent to the east boundary line of the east half of east half of east half of southeast quarter of southwest quarter ( $E\frac{1}{2}$  of  $E\frac{1}{2}$  of  $E\frac{1}{2}$  of  $SE\frac{1}{4}$  of  $SW\frac{1}{4}$ ) of Section 8, Township 2 south, Range 3 east, Baldwin County, Alabama, as may injure or endanger by falling or otherwise the towers, poles, wire lines and other appliances that are to be hereafter constructed or placed on the following described right of way: To reach the point of beginning of said right of way, commence at the northwest corner of Section 8, Township 2 south, Range 3 east; thence run east along the north boundary line of such Section 8 a distance of 1332.3 feet to a point; thence turn an angle to the right of 87 degrees 17 minutes and run south 03 degrees 01 minute east a distance of 205.2 feet to a point; thence turn an angle to the left of 86 degrees 33 minutes and run south 89 degrees 34 minutes east a distance of 993.7 feet to a point; thence turn an angle to the right of 71 degrees 52 minutes and run south 17 degrees 42 minutes east a distance of 1146.2 feet to a point; thence turn an angle to the right of 17 degrees 11 minutes and run south 00 degrees 31 minutes east a distance of 3292.6 feet to a point, such point being the point of beginning of the right of way herein described; therefrom, the strip of right of way lies 30 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs south 00 degrees 31 minutes east a distance of 136.0 feet to a point; such point being the point of ending of said right of way.

The said Hampton D. Ewing, Jr. and wife, Mary Elisabeth Ewing are the owners of the lands described above.

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PAR. 6 The rights to be acquired in this parcel consist of the right to cut such timber and other growth along and adjacent to the northerly boundary line of the 7th Street and the westerly boundary line of proposed McMeans Avenue, such street and avenue located in the south half of southeast quarter ( $S\frac{1}{2}$  of  $SE\frac{1}{4}$ ) of Section 8; northeast quarter of northeast quarter ( $NE\frac{1}{4}$  of  $NE\frac{1}{4}$ ) of Section 7, all in Township 2 south, Range 3 east, Baldwin County, Alabama, as may injure or endanger by falling or otherwise the towers, poles, wire lines and other appliances that are to be hereafter constructed or placed on the following described right of way: To reach the point of beginning of said right of way, commence at the southwest corner of Section 8, Township 2 south, Range 3 east; thence run east along the south boundary line of such Section 8 a distance of 2545.3 feet to a point; thence turn an angle to the left of 24 degrees 13 minutes and run north 64 degrees 58 minutes east a distance of 380.9 feet to a point; thence turn an angle to the left of 90 degrees 00 minutes and run north 25 degrees 02 minutes west a distance of 283.8 feet to a point; thence turn an angle to the right of 24 degrees 31 minutes and run north 00 degrees 31 minutes west a distance of 262.9 feet to a point; thence turn an angle to the right of 68 degrees 32 minutes and run north 68 degrees 01 minutes east a distance of 894 feet, more or less, to a point, such point being the point of beginning of the right of way herein described; therefrom, the strip of right of way lies 5 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs north 68 degrees 01 minute east a distance of 753.4 feet to a point; thence turn an angle to the right of 89 degrees 59 minutes and run south 22 degrees 00 minutes east a distance of 1640 feet, more or less, to a point, such point being the point of ending of said right of way.

The said Bay Minette Land Company, Hampton D. Ewing, Jr. and wife, Mary Elisabeth Ewing, Peter Fletcher Ewing and wife, Virginia Ewing, Irene Fraley and husband of Irene Fraley, whose name is otherwise unknown and Hampton D. Ewing, Jr. and James R. Cogan as Co-Executors and Co-Trustees under the Last Will and Testament of James D. Ewing, deceased are the owners of the lands described above.

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PAR. 7 A strip of land 30 feet in width which lies within the east half of east half of east half of east half ( $E\frac{1}{2}$  of  $E\frac{1}{2}$  of  $E\frac{1}{2}$  of  $E\frac{1}{2}$ ) of Section 17, Township 2 south, Range 3 east, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning, commence at the southwest corner of Section 8, Township 2 south, Range 3 east; thence run east along the south boundary line of such Section 8, a distance of 2545.3 feet to a point; thence turn an angle to the left of 24 degrees 13 minutes and run north 64 degrees 58 minutes east a distance of 3809 feet to a point; thence turn an angle to the left of 90 degrees 00 minutes and run north 25 degrees 02 minutes west a distance of 283.8 feet to a point; thence turn an angle to the right of 24 degrees 31 minutes and run north 00 degrees 31 minutes west a distance of 262.9 feet to a point; thence turn an angle to the right of 68 degrees 32 minutes and run north 68 degrees 01 minute east a distance of 1647.4 feet to a point; thence turn an angle to the right of 89 degrees 59 minutes and run south 22 degrees 00 minutes east a distance of 2515.5 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 to be condemned lies 15 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs south 22 degrees 00 minutes east a distance of 244 feet, more or less, to a point on the northerly right of way line of Dolive Street, such point being the point of ending of the right of way sought to be condemned.

The said Mrs. Camella N. Hooper, a widow, is the owner of the lands described above.



PAR. 8 The rights to be acquired in this parcel consist of the right to cut such timber and other growth along and adjacent to the north boundary line of Dolive Street, such street located in the east half of east half (E<sup>1</sup>/<sub>2</sub> of E<sup>1</sup>/<sub>2</sub>) of Section 17; west half of west half (W<sup>1</sup>/<sub>2</sub> of W<sup>1</sup>/<sub>2</sub>) of Section 16, all in Township 2 south, Range 3 east, Baldwin County, Alabama, as may injure or endanger by falling or otherwise the towers, poles, wire lines and other appliances that are to be hereafter constructed or placed on the following described right of way: To reach the point of beginning of said right of way, commence at the southwest corner of Section 8, Township 2 south, Range 3 east; thence run east along the south boundary line of such Section 8 a distance of 2545.3 feet to a point; thence turn an angle to the left of 24 degrees 13 minutes and run north 64 degrees 58 minutes east a distance of 3809 feet to a point; thence turn an angle to the left of 90 degrees 00 minutes and run north 25 degrees 02 minutes west a distance of 283.8 feet to a point; thence turn an angle to the right of 24 degrees 31 minutes and run north 00 degrees 31 minutes west a distance of 262.9 feet to a point; thence turn an angle to the right of 68 degrees 32 minutes and run north 68 degrees 01 minute east a distance of 1647.4 feet to a point; thence turn an angle to the right of 89 degrees 59 minutes and run south 22 degrees 00 minutes east a distance of 2764.8 feet to a point, such point being the point of beginning of the right of way herein described; therefrom, the strip of right of way lies 5 feet on each side of a center line and the continuations thereof which begins at such point of beginning turns an angle to the left of 100 degrees 24 minutes and run north 57 degrees 36 minutes east a distance of 468.6 feet to a point, such point being called Point A for reference hereinafter; also, such point being the point of ending of said right of way sought to be condemned. The applicant also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 40 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 towers, poles, wire lines and appliances of applicant.

The said Mrs. Camella N. Hooper, a widow, is the owner of the lands described above.

PREMISES CONSIDERED, applicant makes the said Mrs. Camella N. Hooper, a widow, Hampton D. Ewing, Jr. and wife, Mary Elisabeth Ewing, Hampton D. Ewing, Jr. and James R. Cogan, as Co-Executors and Co-Trustees under the Last Will and Testament of James D. Ewing, deceased, Peter Fletcher Ewing and wife, Virginia Ewing, Irene Fraley and husband of Irene Fraley, whose name is otherwise unknown, Bay Minette Land Company, International Paper Company, parties defendant to this application and prays that the court will make and enter an order appointing a day for the hearing of this application; and that notice of this application and of the day so appointed for the hearing thereof may be given to the nonresident defendants, Hampton D. Ewing, Jr. and wife, Mary Elisabeth Ewing, Hampton D. Ewing, Jr. and James R. Cogan, as Co-Executors and Co-Trustees under the Last Will and Testament of James D. Ewing, deceased, Peter Fletcher Ewing and wife, Virginia Ewing, Irene Fraley and husband of Irene Fraley, whose name is otherwise unknown, by advertisement in some newspaper of general circulation published in the County of Baldwin once a week for at least three consecutive weeks before the day appointed for such hearing; and that notice of this application and of the day so appointed for the hearing thereof may be issued to the resident defendants and that service thereof be had in this state in the manner required by law at least ten days before the day so appointed for such hearing; that upon such hearing an order will be made by this court condemning to the uses and purposes of your applicant 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 Edward S. Allen  
Its Attorney

J. B. Blackburn

Martin, Gadsden, Boykin, Henderson & Williams

Edward S. Allen  
Attorneys for  
Alabama Power Company

STATE OF ALABAMA )  
JEFFERSON COUNTY )

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

Edward S. Allen

Sworn to and subscribed before me,  
this 4<sup>th</sup> day of August,  
1966.

A. Key Foster, Jr.  
Notary Public  
Jefferson County, Alabama

I acknowledge myself as security for all the costs of the foregoing proceeding.

This the 4 day of August, 1966.

Edward S. Allen

Approved, this the 8th day of  
August, 1966.

Harry D. Blum  
Judge of Probate of  
Baldwin County, Alabama

IN THE COURT OF PROBATE OF

BALDWIN COUNTY, ALABAMA

ALABAMA POWER COMPANY,

Applicant,

v.

INTERNATIONAL PAPER COMPANY, ET AL.,

Defendants.

APPLICATION FOR ORDER OF CONDEMNATION

We the jury find in favor  
of the landowners in the  
amount of \$1108.00

Henry E. Crawford, Foreman

LEGAL NOTICE BY PUBLICATION

ALABAMA POWER COMPANY,

Applicant,

v.

INTERNATIONAL PAPER COMPANY, ET AL.,

Defendants.

IN THE COURT OF PROBATE OF

BALDWIN COUNTY, ALABAMA

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TO: Hampton D. Ewing, Jr. and wife, Mary Elisabeth Ewing, c/o Cadwalder, Wickersham & Taft, 114 Wall Street, New York, New York; Hampton D. Ewing, Jr. and James R. Cogan, as Co-Executors and Co-Trustees under the Last Will and Testament of James D. Ewing, deceased, c/o Cadwalder, Wickersham & Taft, 114 Wall Street, New York, New York; Peter Fletcher Ewing and wife, Virginia Ewing, Irene Fraley and husband of Irene Fraley, whose name is otherwise unknown, whose addresses are unknown,

You are hereby notified that Alabama Power Company, a corporation, has filed its written application in this Court, seeking to condemn and to acquire the lands, rights and interests therein described for the rights, ways and rights of way upon which to erect towers, poles, wire lines and other appliances necessary and convenient in connection therewith for the manufacture, supply and sale to the public of electric power on, across, over and adjacent to strips of land according to the final location survey of the said way and rights of way heretofore made by the applicant, the said strips of land and the lands of which the same are a part being situated in Baldwin County, Alabama, and described as follows:

PAR. 2 A strip of land 60 feet in width which lies within the northeast quarter of the northwest quarter (NE $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of Section 8, Township 2 south, Range 3 east, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning, commence at the northwest corner of Section 8, Township 2 south, Range 3 east; thence run east along the north boundary line of such Section 8 a distance of 1332.3 feet to a point on the north boundary line of the property 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 to be condemned lies 30 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 87 degrees 17 minutes and thence runs south 03 degrees 01 minute east a distance of 205.2 feet to a point, such point being called Point A for reference hereinafter; thence such center line turns an angle to the left of 86 degrees 33 minutes and runs south 89 degrees 34 minutes east a distance of 993.7 feet to a point, such point being called Point B for reference hereinafter; thence such center line turns an angle to the right of 71 degrees 52 minutes and runs south 17 degrees 42 minutes east a distance of 1045 feet, more or less, to a point on the east boundary line of the property of the condemnees named in this paragraph, such point being the point of ending of the right of way sought to be condemned. The applicant also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 50 feet outside of and in a south and west direction also 30 feet outside of and in a southwest direction from such ways and rights of way at Point A indicated above; also the right and authority to place such guy wires and anchors for a distance not to exceed 50 feet outside of and in a north and east direction also 30 feet outside of and in a northwest 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 towers, poles, wire lines and appliances of applicant.

The said Hampton D. Ewing, Jr. and wife, Mary Elisabeth Ewing are the owners of the lands described above.

PAR. 3 A strip of land 60 feet in width which lies within the west half of the northeast quarter ( $W\frac{1}{2}$  of  $NE\frac{1}{4}$ ) of Section 8, Township 2 south, Range 3 east, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning, commence at the northwest corner of the northwest quarter of the northeast quarter of Section 8, Township 2 south, Range 3 east; thence run south along the west boundary line of said quarter-quarter section a distance of 1214.3 feet to a point; thence turn an angle to the left of 17 degrees 11 minutes and run south 17 degrees 42 minutes east a distance of 101.5 feet, more or less, to a point on the north boundary line of the property of the condemnees named in this paragraph, such point also being called Point A for reference hereinafter, and the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 30 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 17 degrees 11 minutes and runs south 00 degrees 31 minutes east a distance of 1071 feet, more or less, to a point on the south boundary line of the property of the condemnees named in this paragraph, such point being the point of ending of the right of way sought to be condemned. The applicant also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 60 feet outside of and in a easterly 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 towers, poles, wire lines and appliances of applicant.

The said Bay Minette Land Company, Hampton D. Ewing, Jr. and wife, Mary Elisabeth Ewing, Peter Fletcher Ewing and wife, Virginia Ewing, Irene Fraley and husband of Irene Fraley, whose name is otherwise unknown and Hampton D. Ewing, Jr. and James R. Cogan as Co-Executors and Co-Trustees under the Last Will and Testament of James D. Ewing, deceased, are the owners of the lands described above.

PAR. 4 The rights to be acquired in this parcel consist of the right to cut such timber and other growth along and adjacent to the east boundary line of the east half of east half of east half of southeast quarter of northwest quarter ( $E\frac{1}{2}$  of  $E\frac{1}{2}$  of  $E\frac{1}{2}$  of  $SE\frac{1}{4}$  of  $NW\frac{1}{4}$ ) and the east half of southeast quarter of southeast quarter of northeast quarter of northwest quarter ( $E\frac{1}{2}$  of  $SE\frac{1}{4}$  of  $SE\frac{1}{4}$  of  $NE\frac{1}{4}$  of  $NW\frac{1}{4}$ ) of Section 8, Township 2 south, Range 3 east, Baldwin County, Alabama, as may injure or endanger by falling, or otherwise the towers, poles, wire lines and other appliances that are to be hereafter constructed or placed on the following described right of way: To reach the point of beginning of said right of way, commence at the northwest corner of Section 8, Township 2 south, Range 3 east; thence run east along the north boundary line of such Section 8 a distance of 1332.3 feet to a point; thence turn an angle to the right of 87 degrees 17 minutes and run south 03 degrees 01 minute east a distance of 205.2 feet to a point; thence turn an angle to the left of 86 degrees 33 minutes and run south 89 degrees 34 minutes east a distance of 993.7 feet to a point; thence turn an angle to the right of 71 degrees 52 minutes and run south 17 degrees 42 minutes east a distance of 1146.2 feet to a point; such point being the point of beginning of the right of way herein described; therefrom, the strip of right of way lies 30 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 17 degrees 11 minutes and runs south 00 degrees 31 minutes east a distance of 1380.6 feet to a point on the center line of Baldwin County Highway #78, such point being the point of ending of said right of way.

The said Hampton D. Ewing, Jr. and wife, Mary Elisabeth Ewing are the owners of the lands described above.

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PAR. 5 The rights to be acquired in this parcel consist of the right to cut such timber and other growth along and adjacent to the east boundary line of the east half of east half of east half of southeast quarter of southwest quarter ( $E\frac{1}{2}$  of  $E\frac{1}{2}$  of  $E\frac{1}{2}$  of  $SE\frac{1}{4}$  of  $SW\frac{1}{4}$ ) of Section 8, Township 2 south, Range 3 east, Baldwin County, Alabama, as may injure or endanger by falling or otherwise the towers, poles, wire lines and other appliances that are to be hereafter constructed or placed on the following described right of way: To reach the point of beginning of said right of way, commence at the northwest corner of Section 8, Township 2 south, Range 3 east; thence run east along the north boundary line of such Section 8 a distance of 1332.3 feet to a point; thence turn an angle to the right of 87 degrees 17 minutes and run south 03 degrees 01 minute east a distance of 205.2 feet to a point; thence turn an angle to the left of 86 degrees 33 minutes and run south 89 degrees 34 minutes east a distance of 993.7 feet to a point; thence turn an angle to the right of 71 degrees 52 minutes and run south 17 degrees 42 minutes east a distance of 1146.2 feet to a point; thence turn an angle to the right of 17 degrees 11 minutes and run south 00 degrees 31 minutes east a distance of 3292.6 feet to a point, such point being the point of beginning of the right of way herein described; therefrom, the strip of right of way lies 30 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs south 00 degrees 31 minutes east a distance of 136.0 feet to a point; such point being the point of ending of said right of way.

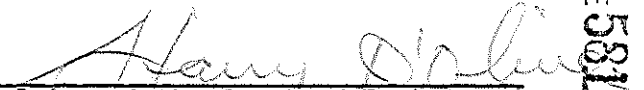
The said Hampton D. Ewing, Jr. and wife, Mary Elisabeth Ewing are the owners of the lands described above.

PAR. 6 The rights to be acquired in this parcel consist of the right to cut such timber and other growth along and adjacent to the northerly boundary line of the 7th Street and the westerly boundary line of proposed McMeans Avenue, such street and avenue located in the south half of southeast quarter ( $S\frac{1}{2}$  of  $SE\frac{1}{4}$ ) of Section 8; northeast quarter of northeast quarter ( $NE\frac{1}{4}$  of  $NE\frac{1}{4}$ ) of Section 7, all in Township 2 south, Range 3 east, Baldwin County, Alabama, as may injure or endanger by falling or otherwise the towers, poles, wire lines and other appliances that are to be hereafter constructed or placed on the following described right of way: To reach the point of beginning of said right of way, commence at the southwest corner of Section 8, Township 2 south, Range 3 east; thence run east along the south boundary line of such Section 8 a distance of 2545.3 feet to a point; thence turn an angle to the left of 24 degrees 13 minutes and run north 64 degrees 58 minutes east a distance of 380.9 feet to a point; thence turn an angle to the left of 90 degrees 00 minutes and run north 25 degrees 02 minutes west a distance of 283.8 feet to a point; thence turn an angle to the right of 24 degrees 31 minutes and run north 00 degrees 31 minutes west a distance of 262.9 feet to a point; thence turn an angle to the right of 68 degrees 32 minutes and run north 68 degrees 01 minutes east a distance of 894 feet, more or less, to a point, such point being the point of beginning of the right of way herein described; therefrom, the strip of right of way lies 5 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs north 68 degrees 01 minute east a distance of 753.4 feet to a point; thence turn an angle to the right of 89 degrees 59 minutes and run south 22 degrees 00 minutes east a distance of 1640 feet, more or less, to a point, such point being the point of ending of said right of way.

The said Bay Minette Land Company, Hampton D. Ewing, Jr. and wife, Mary Elisabeth Ewing, Peter Fletcher Ewing and wife, Virginia Ewing, Irene Fraley and husband of Irene Fraley, whose name is otherwise unknown and Hampton D. Ewing, Jr. and James R. Cogan as Co-Executors and Co-Trustees under the Last Will and Testament of James D. Ewing, deceased are the owners of the lands described above.

And you are further notified that the hearing of said application has been set by this Court for the 7th day of September, 1966, at 9:30 o'clock, A.M., and notice of said application and of the day so appointed for the hearing thereof is hereby given you.

Witness my hand, this the 8th day of August, 1966.

  
\_\_\_\_\_  
Judge of the Court of Probate of  
Baldwin County, Alabama

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IN THE COURT OF PROBATE OF

BALDWIN COUNTY, ALABAMA

ALABAMA POWER COMPANY

Applicant,

v.

INTERNATIONAL PAPER COMPANY, ET AL.,

Defendants.

ORDER SETTING DAY TO HEAR

APPLICATION TO CONDEMN

ALABAMA POWER COMPANY,

Applicant,

v.

INTERNATIONAL PAPER COMPANY,  
ET AL.,

Defendants.

IN THE COURT OF PROBATE OF

BALDWIN COUNTY, ALABAMA

REPORT OF COMMISSIONERS

We, the undersigned Commissioners, duly and regularly appointed by the Court of Probate of Baldwin County, Alabama, by decree rendered on the 7 day of September, 1966, do hereby report in writing as follows:

That after each of us had been sworn as jurors are sworn, we executed our duties in strict accordance with the conditions of the commission issued and the decree of this said Court which appointed us, and we herewith set forth the amount of damages and compensation ascertained and assessed by us for the owners and other parties claiming or holding some right, title or interest in the tracts of land as set out in said commission issued to us:

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PAR. 2 A strip of land 60 feet in width which lies within the northeast quarter of the northwest quarter (NE $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of Section 8, Township 2 south, Range 3 east, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning, commence at the northwest corner of Section 8, Township 2 south, Range 3 east; thence run east along the north boundary line of such Section 8 a distance of 1332.3 feet to a point on the north boundary line of the property 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 to be condemned lies 30 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 87 degrees 17 minutes and thence runs south 03 degrees 01 minute east a distance of 205.2 feet to a point, such point being called Point A for reference hereinafter; thence such center line turns an angle to the left of 86 degrees 33 minutes and runs south 89 degrees 34 minutes east a distance of 993.7 feet to a point, such point being called Point B for reference hereinafter; thence such center line turns an angle to the right of 71 degrees 52 minutes and runs south 17 degrees 42 minutes east a distance of 1045 feet, more or less, to a point on the east boundary line of the property of the condemnees named in this paragraph, such point being the point of ending of the right of way sought to be condemned. The applicant also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 50 feet outside of and in a south and west direction also 30 feet outside of and in a southwest direction from such ways and rights of way at Point A indicated above; also the right and authority to place such guy wires and anchors for a distance not to exceed 50 feet outside of and in a north and east direction also 30 feet outside of and in a northwest 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 towers, poles, wire lines and appliances of applicant.

The said Hampton D. Ewing, Jr. and wife, Mary Elisabeth Ewing are the owners of the lands described above.

TO: The above named owners:

\$ 2794<sup>00</sup>

PAR. 3 A strip of land 60 feet in width which lies within the west half of the northeast quarter ( $W\frac{1}{2}$  of  $NE\frac{1}{4}$ ) of Section 8, Township 2 south, Range 3 east, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning, commence at the northwest corner of the northwest quarter of the northeast quarter of Section 8, Township 2 south, Range 3 east; thence run south along the west boundary line of said quarter-quarter section a distance of 1214.3 feet to a point; thence turn an angle to the left of 17 degrees 11 minutes and run south 17 degrees 42 minutes east a distance of 101.5 feet, more or less, to a point on the north boundary line of the property of the condemnees named in this paragraph, such point also being called Point A for reference hereinafter, and the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 30 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 17 degrees 11 minutes and runs south 00 degrees 31 minutes east a distance of 1071 feet, more or less, to a point on the south boundary line of the property of the condemnees named in this paragraph, such point being the point of ending of the right of way sought to be condemned. The applicant also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 60 feet outside of and in a easterly 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 towers, poles, wire lines and appliances of applicant.

The said Bay Minette Land Company, Hampton D. Ewing, Jr. and wife, Mary Elisabeth Ewing, Peter Fletcher Ewing and wife, Virginia Ewing, Irene Fraley and husband of Irene Fraley, whose name is otherwise unknown and Hampton D. Ewing, Jr. and James R. Cogan as Co-Executors and Co-Trustees under the Last Will and Testament of James D. Ewing, deceased, are the owners of the lands described above.

TO: The above named owners:

\$ 1512<sup>00</sup>

PAR. 4 The rights to be acquired in this parcel consist of the right to cut such timber and other growth along and adjacent to the east boundary line of the east half of east half of east half of southeast quarter of northwest quarter ( $E\frac{1}{2}$  of  $E\frac{1}{2}$  of  $E\frac{1}{2}$  of  $SE\frac{1}{4}$  of  $NW\frac{1}{4}$ ) and the east half of southeast quarter of southeast quarter of northeast quarter of northwest quarter ( $E\frac{1}{2}$  of  $SE\frac{1}{4}$  of  $SE\frac{1}{4}$  of  $NE\frac{1}{4}$  of  $NW\frac{1}{4}$ ) of Section 8, Township 2 south, Range 3 east, Baldwin County, Alabama, as may injure or endanger by falling, or otherwise the towers, poles, wire lines and other appliances that are to be hereafter constructed or placed on the following described right of way: To reach the point of beginning of said right of way, commence at the northwest corner of Section 8, Township 2 south, Range 3 east; thence run east along the north boundary line of such Section 8 a distance of 1332.3 feet to a point; thence turn an angle to the right of 87 degrees 17 minutes and run south 03 degrees 01 minute east a distance of 205.2 feet to a point; thence turn an angle to the left of 86 degrees 33 minutes and run south 89 degrees 34 minutes east a distance of 993.7 feet to a point; thence turn an angle to the right of 71 degrees 52 minutes and run south 17 degrees 42 minutes east a distance of 1146.2 feet to a point; such point being the point of beginning of the right of way herein described; therefrom, the strip of right of way lies 30 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 17 degrees 11 minutes and runs south 00 degrees 31 minutes east a distance of 1380.6 feet to a point on the center line of Baldwin County Highway #78, such point being the point of ending of said right of way.

The said Hampton D. Ewing, Jr. and wife, Mary Elisabeth Ewing are the owners of the lands described above.

TO: The above named owners:

\$ 150<sup>00</sup>



PAR. 5 The rights to be acquired in this parcel consist of the right to cut such timber and other growth along and adjacent to the east boundary line of the east half of east half of east half of southeast quarter of southwest quarter ( $E\frac{1}{2}$  of  $E\frac{1}{2}$  of  $E\frac{1}{2}$  of  $SE\frac{1}{4}$  of  $SW\frac{1}{4}$ ) of Section 8, Township 2 south, Range 3 east, Baldwin County, Alabama, as may injure or endanger by falling or otherwise the towers, poles, wire lines and other appliances that are to be hereafter constructed or placed on the following described right of way: To reach the point of beginning of said right of way, commence at the northwest corner of Section 8, Township 2 south, Range 3 east; thence run east along the north boundary line of such Section 8 a distance of 1332.3 feet to a point; thence turn an angle to the right of 87 degrees 17 minutes and run south 03 degrees 01 minute east a distance of 205.2 feet to a point; thence turn an angle to the left of 86 degrees 33 minutes and run south 89 degrees 34 minutes east a distance of 993.7 feet to a point; thence turn an angle to the right of 71 degrees 52 minutes and run south 17 degrees 42 minutes east a distance of 1146.2 feet to a point; thence turn an angle to the right of 17 degrees 11 minutes and run south 00 degrees 31 minutes east a distance of 3292.6 feet to a point, such point being the point of beginning of the right of way herein described; therefrom, the strip of right of way lies 30 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs south 00 degrees 31 minutes east a distance of 136.0 feet to a point; such point being the point of ending of said right of way.

The said Hampton D. Ewing, Jr. and wife, Mary Elisabeth Ewing are the owners of the lands described above.

TO: The above named owners:

\$ 25<sup>00</sup>

PAR. 6 The rights to be acquired in this parcel consist of the right to cut such timber and other growth along and adjacent to the northerly boundary line of the 7th Street and the westerly boundary line of proposed McMeans Avenue, such street and avenue located in the south half of southeast quarter ( $S\frac{1}{2}$  of  $SE\frac{1}{4}$ ) of Section 8; northeast quarter of northeast quarter ( $NE\frac{1}{4}$  of  $NE\frac{1}{4}$ ) of Section 7, all in Township 2 south, Range 3 east, Baldwin County, Alabama, as may injure or endanger by falling or otherwise the towers, poles, wire lines and other appliances that are to be hereafter constructed or placed on the following described right of way: To reach the point of beginning of said right of way, commence at the southwest corner of Section 8, Township 2 south, Range 3 east; thence run east along the south boundary line of such Section 8 a distance of 2545.3 feet to a point; thence turn an angle to the left of 24 degrees 13 minutes and run north 64 degrees 58 minutes east a distance of 380.9 feet to a point; thence turn an angle to the left of 90 degrees 00 minutes and run north 25 degrees 02 minutes west a distance of 283.8 feet to a point; thence turn an angle to the right of 24 degrees 31 minutes and run north 00 degrees 31 minutes west a distance of 262.9 feet to a point; thence turn an angle to the right of 68 degrees 32 minutes and run north 68 degrees 01 minutes east a distance of 894 feet, more or less, to a point, such point being the point of beginning of the right of way herein described; therefrom, the strip of right of way lies 5 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs north 68 degrees 01 minute east a distance of 753.4 feet to a point; thence turn an angle to the right of 89 degrees 59 minutes and run south 22 degrees 00 minutes east a distance of 1640 feet, more or less, to a point, such point being the point of ending of said right of way.

The said Bay Minette Land Company, Hampton D. Ewing, Jr. and wife, Mary Elisabeth Ewing, Peter Fletcher Ewing and wife, Virginia Ewing, Irene Fraley and husband of Irene Fraley, whose name is otherwise unknown and Hampton D. Ewing, Jr. and James R. Cogan as Co-Executors and Co-Trustees under the Last Will and Testament of James D. Ewing, deceased are the owners of the lands described above.

TO: The above named owners:

\$ 150<sup>00</sup>

PAR. 7 A strip of land 30 feet in width which lies within the east half of east half of east half of east half ( $E\frac{1}{2}$  of  $E\frac{1}{2}$  of  $E\frac{1}{2}$  of  $E\frac{1}{2}$ ) of Section 17, Township 2 south, Range 3 east, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning, commence at the southwest corner of Section 8, Township 2 south, Range 3 east; thence run east along the south boundary line of such Section 8, a distance of 2545.3 feet to a point; thence turn an angle to the left of 24 degrees 13 minutes and run north 64 degrees 58 minutes east a distance of 3809 feet to a point; thence turn an angle to the left of 90 degrees 00 minutes and run north 25 degrees 02 minutes west a distance of 283.8 feet to a point; thence turn an angle to the right of 24 degrees 31 minutes and run north 00 degrees 31 minutes west a distance of 262.9 feet to a point; thence turn an angle to the right of 68 degrees 32 minutes and run north 68 degrees 01 minute east a distance of 1647.4 feet to a point; thence turn an angle to the right of 89 degrees 59 minutes and run south 22 degrees 00 minutes east a distance of 2515.5 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 to be condemned lies 15 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs south 22 degrees 00 minutes east a distance of 244 feet, more or less, to a point on the northerly right of way line of Dolive Street, such point being the point of ending of the right of way sought to be condemned.

The said Mrs. Camella N. Hooper, a widow, is the owner of the lands described above.

TO: The above named owner:

\$ 688<sup>00</sup>

PAR. 8 The rights to be acquired in this parcel consist of the right to cut such timber and other growth along and adjacent to the north boundary line of Dolive Street, such street located in the east half of east half ( $E\frac{1}{2}$  of  $E\frac{1}{2}$ ) of Section 17; west half of west half ( $W\frac{1}{2}$  of  $W\frac{1}{2}$ ) of Section 16, all in Township 2 south, Range 3 east, Baldwin County, Alabama, as may injure or endanger by falling or otherwise the towers, poles, wire lines and other appliances that are to be hereafter constructed or placed on the following described right of way: To reach the point of beginning of said right of way, commence at the southwest corner of Section 8, Township 2 south, Range 3 east; thence run east along the south boundary line of such Section 8 a distance of 2545.3 feet to a point; thence turn an angle to the left of 24 degrees 13 minutes and run north 64 degrees 58 minutes east a distance of 3809 feet to a point; thence turn an angle to the left of 90 degrees 00 minutes and run north 25 degrees 02 minutes west a distance of 283.8 feet to a point; thence turn an angle to the right of 24 degrees 31 minutes and run north 00 degrees 31 minutes west a distance of 262.9 feet to a point; thence turn an angle to the right of 68 degrees 32 minutes and run north 68 degrees 01 minute east a distance of 1647.4 feet to a point; thence turn an angle to the right of 89 degrees 59 minutes and run south 22 degrees 00 minutes east a distance of 2764.8 feet to a point, such point being the point of beginning of the right of way herein described; therefrom, the strip of right of way lies 5 feet on each side of a center line and the continuations thereof which begins at such point of beginning turns an angle to the left of 100 degrees 24 minutes and run north 57 degrees 36 minutes east a distance of 468.6 feet to a point, such point being called Point A for reference hereinafter; also, such point being the point of ending of said right of way sought to be condemned. The applicant also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 40 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 towers, poles, wire lines and appliances of applicant.

The said Mrs. Camella N. Hooper, a widow, is the owner of the lands described above.

TO: The above named owner:

\$50<sup>00</sup>

We herewith file a certificate along with this award that none of us has 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 we knew nothing of the same prior to our appointment.

W. W. Wurst  
Marvin Keefe  
James H. Lindsey

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Sworn to and subscribed before me,  
this the 7th day of September,  
1966.

\_\_\_\_\_  
Judge of the Court of Probate  
of Baldwin County, Alabama

ALABAMA POWER COMPANY,

Applicant,

v.

INTERNATIONAL PAPER COMPANY,  
ET AL.,

Defendants.

IN THE COURT OF PROBATE OF

BALDWIN COUNTY, ALABAMA

CERTIFICATE OF COMMISSIONERS

We, the undersigned commissioners, duly and regularly appointed in this cause, do hereby certify that none of us has 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 we knew nothing of the same prior to our appointment.

This the 26<sup>th</sup> day of September, 1966.

W. W. Must  
Marvin Keely  
James H. Lindsey

Sworn to and subscribed before me,  
this the 26<sup>th</sup> day of September,  
1966.

Harry D. Oline  
Judge of the Court of Probate  
of Baldwin County, Alabama

IN THE COURT OF PROBATE  
OF BALDWIN COUNTY, ALABAMA

ALABAMA POWER COMPANY,

Applicant,

v.

INTERNATIONAL PAPER COMPANY, ET AL.,

Defendants.

REPORT OF COMMISSIONERS

ALABAMA POWER COMPANY,

Applicant,

v.

INTERNATIONAL PAPER COMPANY,  
ET AL.,

Defendants.

IN THE COURT OF PROBATE OF

BALDWIN COUNTY, ALABAMA

NOTICE TO COMMISSIONERS

TO: J. A. Wurst, Marvin Kelly , and James H. Lindsey:

KNOW YE, that having full faith and confidence in your integrity and competency, you have been by an order and decree of the Court of Probate of Baldwin County, Alabama, appointed and constituted commissioners in the cause hereinabove set forth, with all the power, authority and duties vested in or which may devolve on you as such commissioners under and by virtue of the provisions of Title 19, Chapter I of the Code of Alabama of 1940, as amended.

You will be sworn as jurors are sworn and you, or a majority of you, shall assess the damages and compensation to which the owners of the lands hereinafter described and set forth are entitled on account of any injury that may result to them by reason of Alabama Power Company's condemning (1) the rights hereinafter described in Paragraphs 4, 5, 6 and 8 of this notice, and (2) rights, interests, ways and rights of way on, across, over and adjacent to the strips of land hereinafter described in Paragraphs 2, 3 and 7 hereof for the purpose of constructing, erecting and maintaining thereon towers, poles and wire lines and other appliances, including the acquisition of and the right to clear and remove all timber and other growth on said ways and rights of way, as well as the acquisition of and the right to clear and remove such timber outside of said ways and rights of way as may injure or endanger said towers, poles and wire lines and other appliances by falling or otherwise, and including the further right and authority to place guy wires and anchors outside of said ways and rights of way as hereinafter described in Paragraphs 2, 3 and 8 of this notice.

The said rights, interests, ways and rights of way are on, across, over and adjacent to the lands described hereinafter, according to the final location survey of said interests, rights, ways and rights of way heretofore made by the applicant, the said lands and the lands of which the same are a part being situated in Baldwin County, Alabama, and described as follows:



PAR. 2 A strip of land 60 feet in width which lies within the northeast quarter of the northwest quarter ( $NE\frac{1}{4}$  of  $NW\frac{1}{4}$ ) of Section 8, Township 2 south, Range 3 east, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning, commence at the northwest corner of Section 8, Township 2 south, Range 3 east; thence run east along the north boundary line of such Section 8 a distance of 1332.3 feet to a point on the north boundary line of the property 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 to be condemned lies 30 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 87 degrees 17 minutes and thence runs south 03 degrees 01 minute east a distance of 205.2 feet to a point, such point being called Point A for reference hereinafter; thence such center line turns an angle to the left of 86 degrees 33 minutes and runs south 89 degrees 34 minutes east a distance of 993.7 feet to a point, such point being called Point B for reference hereinafter; thence such center line turns an angle to the right of 71 degrees 52 minutes and runs south 17 degrees 42 minutes east a distance of 1045 feet, more or less, to a point on the east boundary line of the property of the condemnees named in this paragraph, such point being the point of ending of the right of way sought to be condemned. The applicant also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 50 feet outside of and in a south and west direction also 30 feet outside of and in a southwest direction from such ways and rights of way at Point A indicated above; also the right and authority to place such guy wires and anchors for a distance not to exceed 50 feet outside of and in a north and east direction also 30 feet outside of and in a northwest 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 towers, poles, wire lines and appliances of applicant.

The said Hampton D. Ewing, Jr. and wife, Mary Elisabeth Ewing are the owners of the lands described above.

PAR. 3 A strip of land 60 feet in width which lies within the west half of the northeast quarter ( $W\frac{1}{2}$  of  $NE\frac{1}{4}$ ) of Section 8, Township 2 south, Range 3 east, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning, commence at the northwest corner of the northwest quarter of the northeast quarter of Section 8, Township 2 south, Range 3 east; thence run south along the west boundary line of said quarter-quarter section a distance of 1214.3 feet to a point; thence turn an angle to the left of 17 degrees 11 minutes and run south 17 degrees 42 minutes east a distance of 101.5 feet, more or less, to a point on the north boundary line of the property of the condemnees named in this paragraph, such point also being called Point A for reference hereinafter, and the point of beginning of the right of way herein described and sought to be condemned; therefrom, the strip to be condemned lies 30 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 17 degrees 11 minutes and runs south 00 degrees 31 minutes east a distance of 1071 feet, more or less, to a point on the south boundary line of the property of the condemnees named in this paragraph, such point being the point of ending of the right of way sought to be condemned. The applicant also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 60 feet outside of and in a easterly 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 towers, poles, wire lines and appliances of applicant.

The said Bay Minette Land Company, Hampton D. Ewing, Jr. and wife, Mary Elisabeth Ewing, Peter Fletcher Ewing and wife, Virginia Ewing, Irene Fraley and husband of Irene Fraley, whose name is otherwise unknown and Hampton D. Ewing, Jr. and James R. Cogan as Co-Executors and Co-Trustees under the Last Will and Testament of James D. Ewing, deceased, are the owners of the lands described above.

PAR. 4 The rights to be acquired in this parcel consist of the right to cut such timber and other growth along and adjacent to the east boundary line of the east half of east half of east half of southeast quarter of northwest quarter ( $E\frac{1}{2}$  of  $E\frac{1}{2}$  of  $E\frac{1}{2}$  of  $SE\frac{1}{4}$  of  $NW\frac{1}{4}$ ) and the east half of southeast quarter of southeast quarter of northeast quarter of northwest quarter ( $E\frac{1}{2}$  of  $SE\frac{1}{4}$  of  $SE\frac{1}{4}$  of  $NE\frac{1}{4}$  of  $NW\frac{1}{4}$ ) of Section 8, Township 2 south, Range 3 east, Baldwin County, Alabama, as may injure or endanger by falling, or otherwise the towers, poles, wire lines and other appliances that are to be hereafter constructed or placed on the following described right of way: To reach the point of beginning of said right of way, commence at the northwest corner of Section 8, Township 2 south, Range 3 east; thence run east along the north boundary line of such Section 8 a distance of 1332.3 feet to a point; thence turn an angle to the right of 87 degrees 17 minutes and run south 03 degrees 01 minute east a distance of 205.2 feet to a point; thence turn an angle to the left of 86 degrees 33 minutes and run south 89 degrees 34 minutes east a distance of 993.7 feet to a point; thence turn an angle to the right of 71 degrees 52 minutes and run south 17 degrees 42 minutes east a distance of 1146.2 feet to a point; such point being the point of beginning of the right of way herein described; therefrom, the strip of right of way lies 30 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 17 degrees 11 minutes and runs south 00 degrees 31 minutes east a distance of 1380.6 feet to a point on the center line of Baldwin County Highway #78, such point being the point of ending of said right of way.

The said Hampton D. Ewing, Jr. and wife, Mary Elisabeth Ewing are the owners of the lands described above.

PAR. 5 The rights to be acquired in this parcel consist of the right to cut such timber and other growth along and adjacent to the east boundary line of the east half of east half of east half of southeast quarter of southwest quarter ( $E\frac{1}{2}$  of  $E\frac{1}{2}$  of  $E\frac{1}{2}$  of  $SE\frac{1}{4}$  of  $SW\frac{1}{4}$ ) of Section 8, Township 2 south, Range 3 east, Baldwin County, Alabama, as may injure or endanger by falling or otherwise the towers, poles, wire lines and other appliances that are to be hereafter constructed or placed on the following described right of way: To reach the point of beginning of said right of way, commence at the northwest corner of Section 8, Township 2 south, Range 3 east; thence run east along the north boundary line of such Section 8 a distance of 1332.3 feet to a point; thence turn an angle to the right of 87 degrees 17 minutes and run south 03 degrees 01 minute east a distance of 205.2 feet to a point; thence turn an angle to the left of 86 degrees 33 minutes and run south 89 degrees 34 minutes east a distance of 993.7 feet to a point; thence turn an angle to the right of 71 degrees 52 minutes and run south 17 degrees 42 minutes east a distance of 1146.2 feet to a point; thence turn an angle to the right of 17 degrees 11 minutes and run south 00 degrees 31 minutes east a distance of 3292.6 feet to a point, such point being the point of beginning of the right of way herein described; therefrom, the strip of right of way lies 30 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs south 00 degrees 31 minutes east a distance of 136.0 feet to a point; such point being the point of ending of said right of way.

The said Hampton D. Ewing, Jr. and wife, Mary Elisabeth Ewing are the owners of the lands described above.

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PAR. 6 The rights to be acquired in this parcel consist of the right to cut such timber and other growth along and adjacent to the northerly boundary line of the 7th Street and the westerly boundary line of proposed McMeans Avenue, such street and avenue located in the south half of southeast quarter ( $S\frac{1}{2}$  of  $SE\frac{1}{4}$ ) of Section 8; northeast quarter of northeast quarter ( $NE\frac{1}{4}$  of  $NE\frac{1}{4}$ ) of Section 7, all in Township 2 south, Range 3 east, Baldwin County, Alabama, as may injure or endanger by falling or otherwise the towers, poles, wire lines and other appliances that are to be hereafter constructed or placed on the following described right of way: To reach the point of beginning of said right of way, commence at the southwest corner of Section 8, Township 2 south, Range 3 east; thence run east along the south boundary line of such Section 8 a distance of 2545.3 feet to a point; thence turn an angle to the left of 24 degrees 13 minutes and run north 64 degrees 58 minutes east a distance of 380.9 feet to a point; thence turn an angle to the left of 90 degrees 00 minutes and run north 25 degrees 02 minutes west a distance of 283.8 feet to a point; thence turn an angle to the right of 24 degrees 31 minutes and run north 00 degrees 31 minutes west a distance of 262.9 feet to a point; thence turn an angle to the right of 68 degrees 32 minutes and run north 68 degrees 01 minutes east a distance of 894 feet, more or less, to a point, such point being the point of beginning of the right of way herein described; therefrom, the strip of right of way lies 5 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs north 68 degrees 01 minute east a distance of 753.4 feet to a point; thence turn an angle to the right of 89 degrees 59 minutes and run south 22 degrees 00 minutes east a distance of 1640 feet, more or less, to a point, such point being the point of ending of said right of way.

The said Bay Minette Land Company, Hampton D. Ewing, Jr. and wife, Mary Elisabeth Ewing, Peter Fletcher Ewing and wife, Virginia Ewing, Irene Fraley and husband of Irene Fraley, whose name is otherwise unknown and Hampton D. Ewing, Jr. and James R. Cogan as Co-Executors and Co-Trustees under the Last Will and Testament of James D. Ewing, deceased are the owners of the lands described above.

PAR. 7 A strip of land 30 feet in width which lies within the east half of east half of east half of east half ( $E\frac{1}{2}$  of  $E\frac{1}{2}$  of  $E\frac{1}{2}$  of  $E\frac{1}{2}$ ) of Section 17, Township 2 south, Range 3 east, Baldwin County, Alabama, such strip being more particularly described as follows: To reach a point of beginning, commence at the southwest corner of Section 8, Township 2 south, Range 3 east; thence run east along the south boundary line of such Section 8, a distance of 2545.3 feet to a point; thence turn an angle to the left of 24 degrees 13 minutes and run north 64 degrees 58 minutes east a distance of 3809 feet to a point; thence turn an angle to the left of 90 degrees 00 minutes and run north 25 degrees 02 minutes west a distance of 283.8 feet to a point; thence turn an angle to the right of 24 degrees 31 minutes and run north 00 degrees 31 minutes west a distance of 262.9 feet to a point; thence turn an angle to the right of 68 degrees 32 minutes and run north 68 degrees 01 minute east a distance of 1647.4 feet to a point; thence turn an angle to the right of 89 degrees 59 minutes and run south 22 degrees 00 minutes east a distance of 2515.5 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 to be condemned lies 15 feet on each side of a center line and the continuations thereof which begins at such point of beginning and runs south 22 degrees 00 minutes east a distance of 244 feet, more or less, to a point on the northerly right of way line of Dolive Street, such point being the point of ending of the right of way sought to be condemned.

The said Mrs. Camella N. Hooper, a widow, is the owner of the lands described above.


PAR. 8 The rights to be acquired in this parcel consist of the right to cut such timber and other growth along and adjacent to the north boundary line of Dolive Street, such street located in the east half of east half ( $E\frac{1}{2}$  of  $E\frac{1}{2}$ ) of Section 17; west half of west half ( $W\frac{1}{2}$  of  $W\frac{1}{2}$ ) of Section 16, all in Township 2 south, Range 3 east, Baldwin County, Alabama, as may injure or endanger by falling or otherwise the towers, poles, wire lines and other appliances that are to be hereafter constructed or placed on the following described right of way: To reach the point of beginning of said right of way, commence at the southwest corner of Section 8, Township 2 south, Range 3 east; thence run east along the south boundary line of such Section 8 a distance of 2545.3 feet to a point; thence turn an angle to the left of 24 degrees 13 minutes and run north 64 degrees 58 minutes east a distance of 3809 feet to a point; thence turn an angle to the left of 90 degrees 00 minutes and run north 25 degrees 02 minutes west a distance of 283.8 feet to a point; thence turn an angle to the right of 24 degrees 31 minutes and run north 00 degrees 31 minutes west a distance of 262.9 feet to a point; thence turn an angle to the right of 68 degrees 32 minutes and run north 68 degrees 01 minute east a distance of 1647.4 feet to a point; thence turn an angle to the right of 89 degrees 59 minutes and run south 22 degrees 00 minutes east a distance of 2764.8 feet to a point, such point being the point of beginning of the right of way herein described; therefrom, the strip of right of way lies 5 feet on each side of a center line and the continuations thereof which begins at such point of beginning turns an angle to the left of 100 degrees 24 minutes and run north 57 degrees 36 minutes east a distance of 468.6 feet to a point, such point being called Point A for reference hereinafter; also, such point being the point of ending of said right of way sought to be condemned. The applicant also seeks the right and authority to place such guy wires and anchors for a distance not to exceed 40 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 towers, poles, wire lines and appliances of applicant.

The said Mrs. Camella N. Hooper, a widow, is the owner of the lands described above.

You may view the lands to be subjected and you must receive all legal evidence offered by any party touching the amount of damages the owners of the lands will sustain, and the amount of compensation they are entitled to receive, but the amount of compensation to which the owners are entitled must not be reduced or diminished because of any incidental benefits which may accrue to them or to their remaining lands in consequences of the uses to which the lands to be taken will be appropriated. Any person interested in the proceeding may be present in person or by attorney at any of the proceedings or trials which you may have.

You must within twenty days from the date of your appointment, which was, to wit, the 12<sup>th</sup> day of September, 1966, make a report in writing to the Court, stating the amount of damages and compensation ascertained and assessed by you for the owners of the lands or persons injured, and file a certificate along with your award that none of you have 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 you knew nothing of the same prior to your appointment.

This the 12<sup>th</sup> day of September, 1966.

  
Judge of the Court of Probate  
of Baldwin County, Alabama

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We the undersigned three persons, being the commissioners appointed by the foregoing order, hereby acknowledge that we have been served with a copy of the foregoing order, and hereby accept the foregoing appointment as commissioners.

This the 12<sup>th</sup> day of September, 1966.

Marvin Keefe  
James H. Lindsey

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#1325

IN THE COURT OF PROBATE OF

BALDWIN COUNTY, ALABAMA

12 day of Sept. 1966  
14 day of Sept. 1966

a copy of the within *Gibbie*  
*J. R. Wurst, Martin*  
*Kelley, James H. Lindsey*  
ce on

TAYLOR WILKINS, Sheriff

*W. A. Albert*

*om*

ALABAMA POWER COMPANY,

Applicant,

v.

INTERNATIONAL PAPER COMPANY,  
ET AL.,

Defendants.

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NOTICE TO COMMISSIONERS