

The Court charges the jury that the landowner is entitled to just and adequate compensation by reason of its property being taken by Alabama Power Company. In order to arrive at the just and adequate compensation in this case, you should, based on all of the evidence in the case, award the landowner the difference between the fair market value of the tract of land involved prior to the taking and the value of that tract after the taking. These values should be determined from all of the evidence as of the time when the application for condemnation was filed by the condemnor. After determining these values and the damages to which the landowner is entitled you should then compute interest at the rate of six percent (6%) per annum on said damages from the time of the actual appropriation of the land by the condemnor until the present time, and then add such interest to the damages in order to arrive at one lump sum as a just and adequate compensation.

Refused

The Court charges the jury that Alabama Power Company is acquiring in this proceeding the right to cut down and remove any trees on the property of the condemnees located North of and adjacent to the right-of-way being acquired which constitute or may constitute a danger to the transmission line which it proposes to erect or which might hereafter be erected on the right-of-way; and that applies to trees which are now there, and to trees which might grow there in the future; and the condemnees are entitled to be paid by Alabama Power Company for the acquisition of such right.

*See H. J. ...
Pay me or call 7-*

The Court charges the jury that in arriving at the just and adequate compensation to which the landowner in this case is entitled you should first determine the fair and reasonable market value of those parcels of land affected by the acquisition of the rights taken before the date of taking, and then you should determine the fair and reasonable market value of those same parcels with the transmission lines erected and after the rights and easement had been acquired; giving weight and taking into consideration any decrease in value due to the acquisition of such rights; and then the difference in those two figures would be the amount of damages, to which you should then add interest computed at the rate of six per cent (6%) per annum from time of the actual appropriation of the land until the present time.

Defendant
John
Raymond Hall Jr.

The Court charges the jury that although Alabama Power Company is only acquiring an easement or servitude in the lands which are the subject of this proceeding to construct and maintain an electric transmission line together with the right to cut and remove danger trees adjacent to such line on the property adjoining it on the North; the owners of the lands can only make such use of the land described in the easement and the land immediately North thereof as will in no way interfere with the full and free exercise by Alabama Power Company of the easement taken by it.

*Jim
Ray Marshall*

The Court charges the jury that in arriving at the just and adequate compensation to which the landowner in this case is entitled, it is proper for you to not only use the value of the land taken, but also any injury to or depreciation in value of the property of the landowner located North of and adjoining the land taken by virtue of the taking by Alabama Power Company of the right to cut and remove danger trees on such adjoining property.

Wm. R. Pifer
Ray Marshall

The Court charges the jury that, under the facts in this case, Alabama Power Company has the right to cut any trees growing under their lines which may endanger any towers, poles, wire lines and other appliances that it may hereafter construct or place on the lands described in its petition; and it is not limited to the towers, poles, wire lines and other appliances now on the lands described.

Given
Very respectfully.