

ALABAMA POWER COMPANY,	Ø		
Applicant,	Ø	IN THE CIRCUIT COURT OF	
VS.	Ø	BALDWIN COUNTY, ALABAMA	
OLA P. MALCOLM,	Ø	AT LAW	NO. 9783
Defendant.	Ø		

CONSENT JUDGMENT

On this day came into open court the applicant, Alabama Power Company, a corporation, by and through Mr. J. B. Blackburn and Messrs. Balch, Bingham, Baker, Hawthorne & Williams, its attorneys, and also came the defendant, Ola P. Malcolm, by and through Messrs. Bailey & Taylor and Mr. Kenneth Cooper, her attorneys.

And all said parties, appearing in open court, stated to the Court that the defendant, with the consent of the applicant, had withdrawn her request and demand for a trial by jury and that the said parties had entered into an agreement providing for the entering of a judgment of condemnation by the Court herein for the applicant, Alabama Power Company, granting to it all the relief, rights, interests, easements and privileges set out and described and prayed for in its application for condemnation, as amended, filed in the Probate Court of Baldwin County, Alabama, on, to-wit, October 28, 1970, and further providing for the payment to defendant of the sum of \$950.00 for the rights, ways and rights of way described in Par. 8 of Article Fourth of said application for condemnation, as amended, being the lands involved in this case on appeal.

IT IS, THEREFORE, premises considered, ORDERED, ADJUDGED AND DECREED by this Court that said demand for jury trial be and the same is withdrawn, and that the said agreement between the parties be and it is in all respects confirmed and approved by the Court.

And now comes the applicant, Alabama Power Company, and shows unto the Court that it has heretofore deposited with the Judge of Probate of Baldwin County, Alabama, the sum of \$650.00 in money pursuant to the decree of the Probate Court of Baldwin County, Alabama, rendered on, to-wit, the 21st day of January, 1971, as damages and compensation for the condemnation of the lands and rights and easements described in Par. 8 of Article Fourth of said application for condemnation, as amended, and has upon the taking of an appeal to this Court, filed a bond in the amount of \$1300.00 by which Alabama Power Company, as principal, and Trinity Universal Insurance Company, as surety, bound themselves unto defendant in the amount of such sum, being twice the amount of the award returned by the commissioners appointed in said proceeding in the Probate Court of Baldwin County, Alabama; and all the parties hereto show further unto the Court that they have entered into an agreement whereby such sum of \$650.00 so deposited in the Probate Court of Baldwin County, Alabama, together with the further sum of \$300.00 to be paid into court by applicant, be paid said defendant for the condemnation of the lands, rights, interests, and easements described in said Article Fourth of said application for condemnation, as amended, and more particularly in Par. 8 thereof;

NOW, THEREFORE, IT IS, premises considered, ORDERED, ADJUDGED AND DECREED by this Court that the defendant has had the damages and compensation to which she is entitled assessed at \$950.00 and that the Clerk of this Court pay over to the defendant, Ola P. Malcolm, the sum of \$950.00, which sum consists of the \$650.00 heretofore deposited by applicant, Alabama Power Company, with the Judge of Probate of Baldwin County, Alabama, and transferred by him to this Court when this case was appealed to this

Court, and further consists of the \$300.00 to be paid into court by the applicant.

And it further appearing to this Court that the applicant, Alabama Power Company, is entitled to have vested in it the lands, rights, interests and easements herein condemned for the uses and purposes described in said application for condemnation, as amended, filed in the Probate Court of Baldwin County, Alabama, on, to-wit, kOctober 28, 1970, and that such application, as amended, should be granted.

IT IS, THEREFORE, premises considered, ORDERED, ADJUDGED AND DECREED by this Court that the said application, as amended, of Alabama Power Company for the condemnation of the lands, and the rights, interests and easements therein, of the said Ola P. Malcolm described in Par. 8 of Article Fourth of such application for condemnation be and the same is hereby granted.

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the lands, and the rights, interests and easements therein, of the said Ola P. Malcolm described in Par. 8 of Article Fourth of said application for condemnation, as amended, and the other rights, interests and easements sought to be condemned as described in such application relating to said lands described in Par. 8 of Article Fourth thereof be and are hereby condemned, granted and awarded to the applicant, Alabama Power Company, with the rights and for the uses and purposes as set forth in said application; and that to the extent sought by applicant in said application for condemnation, as amended, the right, title and interest of the said Ola P. Malcolm in the lands, interests and easements described in Par. 8 of Article Fourth, together with all rights, interests and authority concerning the same as prayed

for in said application, be and the same are hereby divested out of the said defendant, Ola P. Malcolm, and vested in the applicant, Alabama Power Company.

AND IT IS, premises considered, FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the applicant, Alabama Power Company, be and it is hereby granted the right to remove outside of the right of way described in Par. 8 of Article Fourth of said amended application all timber that may injure or endanger, by falling or otherwise, the towers, poles, wire lines and other appliances necessary or useful in connection therewith to be placed by the applicant on said right of way.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the applicant be and it is hereby granted the right to place guy wires and anchors outside of ways and rights of way as described in Par. 8 of Article Fourth of said amended application.

AND IT IS, premises considered, FURTHER ORDERED, ADJUDGED AND DECREED that applicant, Alabama Power Company, be and it is hereby granted all the relief, rights, interests, title and privileges set out, described and prayed for in said application for condemnation, as amended, insofar as said application relates to the said Ola P. Malcolm and the lands described in Par. 8 of Article Fourth of said application.

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the applicant, Alabama Power Company, and the said Trinity Universal Insurance Company are hereby released from any liability arising from the said bond filed by applicant, whereby applicant, as principal, and Trinity Universal Insurance Company, as surety, have been bound in double the amount of the Probate Court award and that the Clerk of this Court shall invalidate said bond;

AND IT IS, premises considered, FURTHER ORDERED, ADJUDGED AND DECREED by this Court that applicant be and it is hereby taxed with the costs incurred in this cause, for which let execution issue.

DONE IN OPEN COURT, this 12th day of July, 1971.

Joseph A. Middlebrooks

Judge of the Circuit Court of Baldwin
County, Alabama

ALABAMA POWER COMPANY,

APPLICANT

VS

TOM C. LAW, ET AL,

DEFENDANTS

IN THE COURT OF PROBATE OF

BALDWIN COUNTY, ALABAMA

9783

NOTICE OF APPEAL

COMES OLA P. MALCOLM, DEFENDANT IN THE ABOVE ENTITLED CAUSE, AND PRAYS FOR AND TAKES AN APPEAL TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, FROM THE ORDER OF CONDEMNATION ENTERED IN SAID CAUSE ON THE 19TH DAY OF JANUARY, 1971, INsofar AS SAID ORDER OF CONDEMNATION RELATES TO THE LANDS DESCRIBED IN PAR. 8 OF ARTICLE FOURTH.

OLA P. MALCOLM, DEFENDANT, DOES HERewith FILE IN THE COURT OF PROBATE OF BALDWIN COUNTY, ALABAMA, THE COURT RENDERING SUCH ORDER OF CONDEMNATION, THIS ITS WRITTEN NOTICE OF SAID APPEAL.

THIS THE 15TH DAY OF FEBRUARY, 1971.

BAILEY & TAYLOR

By: Lloyd E. Taylor
ATTORNEYS FOR DEFENDANT

DEFENDANT DOES HEREBY DEMAND A TRIAL

BY JURY.

Lloyd E. Taylor

STATE OF ALABAMA, BALDWIN COUNTY

Filed 2-15-71

Recorded Minutes book 59 page 222

Harry D'Oliver
Judge of Probate

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