

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

SABAL TRAIL TRANSMISSION, LLC,	*	
Plaintiff,	*	
vs.	*	CASE NO.
	*	4:16-cv-00119 (Alston Estate)
REAL ESTATE, <i>et al.</i> ,	*	
Defendants.	*	
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O R D E R

The Federal Energy Regulatory Commission ("FERC") granted a certificate of public convenience and necessity ("FERC Certificate") to Plaintiff Sabal Trail Transmission, LLC. The FERC Certificate authorized Sabal Trail to construct and operate an interstate natural gas pipeline. Based on the FERC Certificate, the Court found that the Natural Gas Act gave Sabal Trail the right to condemn easements over Defendants' property. *Sabal Trail Transmission, LLC v. Real Estate*, No. 4:16-CV-97, 2016 WL 3248367, at \*5 (M.D. Ga. June 10, 2016) (also available at ECF No. 27), *amended*, No. 4:16-CV-97, 2016 WL 3251577 (M.D. Ga. June 10, 2016) (also available at ECF No. 28). The Court also found that just compensation for the easements at issue in this case is \$9,400.00. *Sabal Trail Transmission, LLC v. Real Estate*, No. 4:16-CV-119, 2017 WL 3599164, at \*2 (M.D. Ga. Aug. 21, 2017) (also available at ECF No. 44). Sabal Trail deposited

that amount, plus interest from the date of the taking (July 1, 2016), into the Court's registry on August 29, 2017. The Court instructed Defendants to apply for a distribution of the award.<sup>1</sup>

In accordance with the Court's instructions, Defendant Mae Ola Alston Ra'Oof submitted an application on behalf of herself and all of the other heirs of the estate of Richard Alston and Bobbie Alston. Ra'Oof attached a copy of the warranty deed, which demonstrates that each of the following individuals holds a 10% interest in the property: Richard Lee Alston, Jr., Willie James Alston, King Alston, Marvin Alston, Dorothy Alston Coleman, Barbara Alston Sherman, Mae Ola Alston Ra'Oof, Melvin Gene Alston, Garfield Alston (now deceased), and Rufus Alston (now deceased) (collectively, the "Applicants"). See generally Notice of Application to Receive Proceeds Attach. 1, Warranty Deed, ECF No. 47-1. Based on this evidence, the Court finds that the proceeds should be disbursed to the Applicants.

The Applicants asked the Court release the proceeds "made payable to the Richard Alston Estate for distribution to the

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<sup>1</sup> Shortly after the Court granted summary judgment on the issue of just compensation but before the claimants' application deadline, the Court received notice that the United States Court of Appeals for the District of Columbia Circuit had vacated Sabal Trail's FERC Certificate. *Sierra Club v. Fed. Energy Regulatory Comm'n*, 867 F.3d 1357 (D.C. Cir. 2017). The issuance of the mandate was withheld through March 26, 2018. The Court stayed distribution of the compensation award until that matter was resolved. The issue has now been resolved: FERC issued Sabal Trail a reinstated FERC Certificate. Notice of Issuance of Mandate Ex. A, Reinstated Certificate (Mar. 14, 2018), ECF No. 144 in 4:16-cv-97. Accordingly, the Court can order disbursement of the funds.

remaining eight siblings and to the two deceased siblings' estates." Notice of Application to Receive Proceeds 2, ECF No. 47. This request is granted. The Clerk shall coordinate with Mae Ola Alston Ra'Oof (jumandmae@gmail.com; 100 Hawthorne Dr., Fayetteville, GA 30214) regarding the logistics of this disbursement.

Sabal Trail shall submit to the Court a proposed final order vesting Sabal Trail with legal title to the permanent and temporary easements.

IT IS SO ORDERED, this 2nd day of April, 2018.

S/Clay D. Land

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CLAY D. LAND

CHIEF U.S. DISTRICT COURT JUDGE  
MIDDLE DISTRICT OF GEORGIA