

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

UNITED STATES OF AMERICA
upon the relation and for the use of the
TENNESSEE VALLEY AUTHORITY

PLAINTIFF

v.

No. 3:09-CV-00502-TSL-FKB

AN EASEMENT AND RIGHT-OF-WAY
OVER 12.82 ACRES OF LAND, MORE OR
LESS, AND ADDITIONAL STRUCTURE
RIGHTS WITH RESPECT TO PREEXISTING
EASEMENTS AND RIGHTS-OF-WAY OVER
OTHER LANDS, IN RANKIN COUNTY,
MISSISSIPPI, and
RED MOUNTAIN TIMBERCO IV LLC

DEFENDANTS

JUDGMENT AND ORDER DISBURSING FUNDS

This action came on to be considered, and it appears to the Court, as evidenced by the signatures below, that the parties have agreed to resolve this action as hereinafter provided;

It is, therefore, Ordered and Adjudged that:

1. The Defendant shall recover of Plaintiff \$122,150 as full compensation for the taking of the easement and right-of-way and additional structure rights herein condemned, which amount has been deposited by Plaintiff with the registry of this Court in this action, of which amount \$77,950 has been disbursed to the Defendant by prior order of this Court (DN 13), leaving a balance of \$44,200 on deposit in this action, the disbursement of which is provided for in paragraph 2 below.

2. The Clerk of this Court is authorized and directed to draw a check on the funds on deposit in the registry of this Court in the amount of \$44,200 payable to Red Mountain Timberco IV LLC, in full satisfaction of this Judgment and Order Disbursing Funds (Judgment), and to mail said check to Powell G. Ogletree Jr., Esq., Adams and Reese LLP, 111 E. Capitol Street, Suite 350, Jackson, Mississippi 39225.

3. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking (DN 2) filed herein on August 20, 2009, is hereby fully and finally confirmed with respect to the following-described easement and right-of-way and additional structure rights, said description being the same as in Attachment 1 to the Declaration of Taking (DN 2) filed herein, with the exception that SHL-18AS.1 references Section 21 instead of Section 28:

PART I

A permanent easement and right-of-way, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with sufficient wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, in, on, over, and across said right-of-way, together with the right to clear said right-of-way and keep the same clear of all trees, brush, buildings, signboards, billboards, stored personal property, and fire hazards, to destroy or otherwise dispose of such trees and brush, and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within five feet of any transmission line structure or conductor located thereon, the plaintiff to remain liable for any direct physical damage to the land, annual crops, fences, and roads resulting directly from the operations of the construction and maintenance forces of plaintiff in and about the erection and maintenance thereof, all upon, under, over, and across the following-described land:

TRACT NO. SHLGF-1

A permanent easement for transmission line purposes on, over, and across a parcel of land located in the SE 1/4 of Section 20, the SW 1/4 and SE 1/4 of Section 21, and the NE 1/4 and NW 1/4 of Section 28, Township 7 North, Range 4 East, of Rankin County, State of Mississippi, as shown on a map entitled "Leake-Langford

Transmission Line Tap to Fannin, Miss. Substation,” drawing LW-7652, sheet P17A, R.1, the portions of said map which shows said parcel of land being attached to the Declaration of Taking filed herein, the said parcel being more particularly described as follows:

Beginning at a point, the said point being a 20-inch white oak with painted “X” at the northwest corner of Section 28 and being common to Sections 20, 21, 28, and 29, the said point also being on the property line between Red Mountain Timberco IV LLC and O.T. Linebarier, Jr., et ux., and being 0.70 feet left of the centerline of the transmission line location at survey station 49+20.28; thence leaving the said section corner and with the said property line and the line between Sections 20 and 29 S. 89° 50' 20" W., 1,328.98 feet, crossing the centerline of the location at survey station 50+37.4 (117.14 feet), to a point, the said point being a 30-inch white pine with painted “X” which is a common corner in the lands of Red Mountain Timberco IV LLC, O.T. Linebarier, Jr., et ux., and Slidell Properties, LLC, the said point also being 7.26 feet right of the centerline of the location at survey station 62+49.23; thence leaving the said common corner, the said property line, and the said section line and with the property line between Red Mountain Timberco IV LLC and Slidell Properties, LLC N. 00° 19' 28" W., 42.74 feet to a point on the north right-of-way line of the location; thence leaving the said property line and with the said north right-of-way line of the location N. 89° 29' 44" E., 6,326.68 feet, crossing the line between Sections 20 and 21 and the east ¼ section line of the SW ¼ of Section 21, and also crossing the centerline of the existing Leake-Langford Transmission Line, as shown on sheet 17 of US-TVA drawing LW-7652, to a point; thence with the southeast right-of-way line of the location S. 32° 43' 33" W., 119.55 feet, crossing the line between Sections 21 and 28, to a point; thence with the south right-of-way line of the location S. 89° 29' 44" W., 4,931.78 feet, crossing the centerline of the said existing transmission line (44.83 feet), and also crossing the west ¼ section line of the NE ¼ of Section 28, to a point on the aforementioned property line between Red Mountain Timberco IV LLC and O.T. Linebarier, Jr., et ux., the said point being on the line between Sections 28 and 29; thence leaving the said south right-of-way line of the location and with the said property line and the said section line N. 01° 10' 10" W., 49.30 feet to the point of beginning and containing 12.82 acres, more or less.

Furthermore, the permanent easement rights include the perpetual right to install, maintain, and replace guy wires and necessary appurtenances outside the right-of-way for the transmission line structure located at a survey station with the equation 240+07.21 LB = 0+00.00 LA.

The above-described parcel of land is lying partially in the North 1/2 of the NE 1/4, the North 1/2 of the NW 1/4 of Section 28, the South 1/2 of the SE 1/4, the South 1/2 of the SW 1/4 of Section 21 and the SE 1/4 of the SE 1/4 of Section 20, Township 7 North, Range 4 East, Rankin County, State of Mississippi.

PART II

TRACT SHL-17AS.1

The perpetual right to enter upon a preexisting electric power transmission line right-of-way located in the NE 1/4 of Section 28, Township 7 North, Range 4 East, in Rankin County, State of Mississippi, and described as tract SHL-17 in an instrument recorded in Deed Book 433, page 371, in the office of the Chancery Court Clerk of Rankin County, Mississippi, said description being incorporated herein by reference and made a part hereof, and to erect, maintain, repair, rebuild, and operate a sectionalizing switch structure with all necessary appurtenances, at survey station 238+25.0 on said preexisting right-of-way, as shown on a drawing entitled Sand Hill-Langford 161 kV Transmission Line,” sheet 17, R.5, the Tennessee Valley Authority to remain liable for any direct physical damage to the land, annual crops, fences, and roads resulting directly from the operations of its construction and maintenance forces in the exercise of said additional right.

TRACT SHL-18AS.1

The perpetual right to enter upon a preexisting electric power transmission line right-of-way located in the SE 1/4 of Section 21, Township 7 North, Range 4 East, in Rankin County, State of Mississippi, and described as tract SHL-17 in an instrument recorded in Deed Book 433, page 371, in the office of the Chancery Court Clerk of Rankin County, Mississippi, said description being incorporated herein by reference and made a part hereof, and to erect, maintain, repair, rebuild, and operate a sectionalizing switch structure with all necessary appurtenances at survey station 242+25.0 on said preexisting right-of-way, as shown on a drawing entitled Sand Hill-Langford 161 kV Transmission Line,” sheet 17, R.5, The Tennessee Valley Authority to remain liable for any direct physical damage to the land, annual crops, fences, and roads resulting directly from the operations of its construction and maintenance forces in the exercise of said additional right.

Recording Information: Record landowner as of the date of the filing of the Declaration of Taking — Red Mountain Timberco IV LLC (Deed Book 2006, page 30462).

4. The Clerk of this Court shall furnish to the Plaintiff a certified copy of this

Judgment which shall serve as a muniment of title.

This 21st day of April, 2010.

/s/Tom S. Lee
UNITED STATES DISTRICT JUDGE

We hereby approve and consent to the entry of this Judgment:

s/Edwin W. Small

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