

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

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

v.

Civil Action No. 3:10-cv-00405  
Judge Wiseman

TREE-REMOVAL RIGHTS WITH  
RESPECT TO LAND IN ROBERTSON  
COUNTY, TENNESSEE,  
ROBERT T. JOHNSON, beneficiary  
MARK A. JOHNSON, beneficiary and Executor  
Defendants

**JUDGMENT AND ORDER DISBURSING FUNDS**

This action came on to be considered on Plaintiff's Motion for Entry of an Order of Substitution and a Consent Judgment and Order Disbursing Funds (Doc. 11), and it appears to the Court, as evidenced (1) by the signatures of Mark A. Johnson and Robert T. Johnson, that (a) the originally named Defendant, Almon L. Johnson, died testate on February 16, 2011, during the pendency of this action, (b) by last will and testament Robert T. Johnson and Mark A. Johnson are the beneficiaries and successors in interest to the property subject to the taking in this action and Mark A. Johnson is executor of said will (as shown by the copies of the last will and testament of Almon L. Johnson and the letters testamentary attached hereto), (c) said beneficiaries and executor have consented to be substituted as Defendants in this action in place of Almon L. Johnson, deceased, and (2) by the signatures of representatives for all of the parties below, that the parties have agreed to resolve this action as hereinafter provided.

It is, therefore, Ordered and Adjudged that:

1. The caption of this action is hereby amended, as shown in the caption above, to name Robert T. Johnson, beneficiary, and Mark A. Johnson, beneficiary and Executor, as Defendants in substitution for the originally named Defendant, Almon L. Johnson, deceased.

2. The Defendants shall recover of the Plaintiff \$5,500 as full compensation for the taking of the rights herein condemned and in satisfaction of any and all claims they may have against Plaintiff and the Tennessee Valley Authority (TVA) and its contractors through March 3, 2011, arising out of or in any way connected with the taking.

3. The Clerk of this Court is authorized and directed to (a) close out the interest-bearing account with Bank of America in Nashville, Tennessee, that was created pursuant to the Investment Order entered herein (Doc. 6), (b) deposit the sum received from the account into the registry of this Court, and (c) draw a check on the funds on deposit in the registry of this Court in the principal amount of \$5,500 plus all interest earned on the account less the Clerk's registry fee of 10 percent of the interest earned on the account payable to Mark A. Johnson, Executor of the Estate of Almon L. Johnson, in full satisfaction of this Judgment and Order Disbursing Funds (Judgment), and (d) mail said check to the address shown on the form sent to the Financial Administrator by Plaintiff prior to submission of this Judgment.

4. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein on April 22, 2010, is hereby fully and finally confirmed with respect to the following-described rights taken (said description being the same as Attachment 1 to the Declaration of Taking filed herein):

Tree-removal rights with respect to land located in the Eleventh Civil District of Robertson County, State of Tennessee, and described in deeds recorded in Deed Books 234 and 338, pages 293 and 729, respectively, in the office of the Register of Robertson County, Tennessee, which descriptions are incorporated herein by reference and made a part hereof. Said rights consisting of the perpetual right to remove, cut down, destroy, and/or otherwise dispose of any trees on said land which in falling could come within five feet of any transmission line structure or conductor (the structures and conductors being on and over adjacent land as hereinafter described), the Tennessee Valley Authority to remain liable for any direct physical damage to said land and fences thereon resulting directly from operations by and on behalf of the Tennessee Valley Authority in the exercise of said rights.

TRACT NO. PNEWH-33-CR

The land affected by said tree-removal rights, which lies south of and adjacent to the southern property lines of RES White House, LLC, et al., and Sumner Regional Health System, Inc., and the location of the transmission line on the adjacent lands are shown on maps entitled “Paradise-North Nashville No. 1 (East) Transmission Line Tap to White House, Tennessee, Substation,” drawing LW-4911, sheets P7B, R.1, and 7C, R.0, the portion of the first-mentioned sheet which shows said parcel of land being attached to the Declaration of Taking filed herein, the north line of the land affected by said tree removal rights, and the pertinent beginning and ending survey stations on the centerline of the transmission line which is on the adjacent lands being further described as follows:

Beginning at a point (a ½-inch rebar) that is a common corner in the lands of Almon L. Johnson, Barbara A. Melton, et vir, and RES White House, LLC, et al., and is 51.68 feet right of survey station 266+30.61 on the centerline of the transmission line location (said centerline being on adjacent property); thence with the north line of the land of Almon L. Johnson in an easterly direction approximately 1,730 feet to a common corner of the lands of Almon L. Johnson, Sumner Regional Health System, Inc., and Robertson County, Tennessee (at, and/or at the intersection of Sage Road, North Sage Road, and/or Cardinal Lane), said ending point being the northeast corner of the lands of Almon L. Johnson and being 100.72 feet right of survey station 283+65.60 on the centerline of the transmission line location (which is on adjacent land).

Recording Information: Defendant/landowner as of the date of the filing of the Declaration of Taking — Almon L. Johnson (Deed Books 234 and 338, pages 293 and 729) in the office of the Register of Robertson County, Tennessee. Almon L. Johnson died on or about February 16, 2011. Pursuant to the will of Almon L. Johnson, Mark A. Johnson and Robert T. Johnson were each devised “equal shares” in said property and, following the March 7, 2011 filing of the will, Mark A. Johnson was appointed executor of said will (In the Probate record of Case No. 11P356 of the Seventh Circuit Court of Davidson County, Tennessee).

Tax map 117, parcels 61.0 and 61.1

5. The Clerk of this Court shall furnish to Plaintiff a certified copy of this judgment which shall serve as a muniment of title.

It is so ORDERED.

  
United States District Judge

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

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