

IN THE SUPERIOR COURT OF BARROW COUNTY
STATE OF GEORGIA

GEORGIA TRANSMISSION CORPORATION,

Plaintiff,

vs.

NELLIE SUE FLEEMAN WORLEY

Defendant.

CIVIL ACTION

FILE NO. 07CV-746-A

SUMMONS

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to file with the Clerk of Said Court and serve upon the Plaintiff's attorney, whose name and address is:

Robert Jackson Wilson
Jody Charles Campbell
Webb, Tanner, Powell, Mertz & Wilson, LLP
P.O. Box 1390
Lawrenceville, Georgia 30046

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 9 day of April, 2007.

Barrow County, Clerk of Superior Court

By [Signature]
Deputy Clerk



IN THE SUPERIOR COURT OF BARROW COUNTY

FILED
SUPERIOR COURT
BARROW COUNTY, GA

STATE OF GEORGIA

2007 APR -9 PM 2:12

GLORIA M. WALL, CLERK

GEORGIA TRANSMISSION CORPORATION, :

Plaintiff, :

vs. :

NELLIE SUE FLEEMAN WORLEY :

Defendant. :

CIVIL ACTION

FILE NO. 07CV-746-A

COMPLAINT

COMES NOW, the Plaintiff, Georgia Transmission Corporation, and files this action for permission to survey property and injunctive relief and shows the Court as follows:

1.

The Plaintiff is a public utility company in the business of generating and transmitting electricity, and as provided in O.C.G.A. § 22-3-20, is a condemning authority with powers of eminent domain. As such, Plaintiff has the legal right and authority to enter the Defendant's property for the purpose of inspecting and surveying the Defendant's property. Oglethorpe Power Corp. v. Goss et al., 253 Ga. 644, 322 S.E. 2d 887 (1984); Walker v. City of Warner Robins, 262 Ga. 551 (1992).

2.

Defendant, Nellie Sue Fleeman Worley is a Georgia resident and may be served at 974 Fleeman Road Hoschton, Georgia 30548. This action involves land owned by the Defendant in Barrow County, Georgia as more particularly described in Exhibit "A" attached hereto and

incorporated herein by reference. Defendant is subject to the jurisdiction of this Court. Venue is proper in Barrow County.

3.

The Plaintiff is in the process of designing and constructing an electrical transmission line known as the Jim Moore-Sharon Church 230kv Transmission Line (hereinafter referred to as "the Project").

4.

The Plaintiff brings this action against Defendant as owner of the property described in Exhibit "A" because the Plaintiff has determined, based on all information now available to the Plaintiff, that a portion of the Defendant's property may be necessary for the Project.

5.

In order for the Plaintiff to locate the aforementioned transmission line properly, it is necessary that the Plaintiff, acting by and through its agents and employees, be allowed upon the land of the Defendant to study and inspect the property and survey and stake out the route along which the transmission line may be constructed, which may include the property of the Defendant.

6.

The Plaintiff contacted the Defendant and sought permission to conduct a survey and inspection on her property as needed and sought to obtain permission to enter upon the property of Defendant. The Defendant denied the Plaintiff permission to enter upon the property.

7.

As an engineering necessity for the Project described hereinabove, the Plaintiff seeks entry upon the property of the Defendant in order to locate and measure certain boundary lines to

examine the property's topography, soil, water sources, and to survey and stake the centerline for a proposed electric transmission line and to appraise all or portions of the property.

8.

In the exercise of such entry right as the Court may order, the Plaintiff shows the Court and the Defendant that it shall:

- (a) enter the property at its own risk (in the absence of willful wrong doing, Defendant shall not be responsible for the Plaintiff's safety); and
- (b) allow Defendant, at their option, to accompany and observe all acts and inspections conducted by the Plaintiff necessitated by the Project.

9.

The Plaintiff has no adequate remedy at law.

10.

The Plaintiff requests that the Court enter an Order requiring the Defendant to allow the Plaintiff, its employees and agents, to come upon the land of the Defendant to perform the survey and other actions necessary to locate the transmission line herein described correctly.

11.

Plaintiff further prays that the Court enter a temporary restraining order restraining the Defendant from interfering with the Plaintiff, its employees and agents, in their efforts to perform the survey and other necessary actions to locate the transmission lines herein described correctly, pursuant to Oglethorpe Power Corp. v. Goss, et al., 253 Ga. 644, 322 S.E. 2d 887 (1984); Walker v. City of Warner Robins, 262 Ga. 551, 422 S.E.2d 555 (1992); Apont v. City of Columbus, 246 Ga.App. 646, 540 S.E.2d 617 (2000).

WHEREFORE, the Plaintiff prays:

- (a) That the Defendant be served with a copy of this Complaint;
- (b) that a Rule Nisi be issued to notify and require the Defendant to appear before the Court to show cause, if any, why the Plaintiff should not be permitted to enter upon and inspect the Defendant's property and to conduct its surveys of the property and that such matter be heard by the Court as early as possible; and
- (c) That the Plaintiff have such other and further relief as is just and property.

Respectfully submitted, this 9th day of April, 2007.

WEBB, TANNER,
POWELL, MERTZ & WILSON, LLP

By: Robert Wilson by Jody Campbell
Robert Jackson Wilson w/ express permission
Georgia Bar No. 768990

By: Jody Campbell
Jody Charles Campbell
Georgia Bar No. 308466
Attorneys for Plaintiff

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Lawrenceville, GA 30046
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VERIFICATION

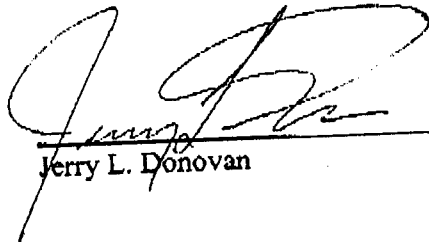
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BARTOW COUNTY, GA

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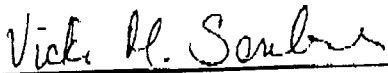
STATE OF GEORGIA
COUNTY OF DEKALB

Personally appeared before the undersigned attesting Jerry L. Donovan, who having been duly sworn, disposes and says that he is Senior Vice-President, Project Services of Georgia Transmission Corporation, and as such states that the facts contained in the within and foregoing Complaint are true and correct.



Jerry L. Donovan (SEAL)

Sworn to and subscribed before me
this 4th day of April, 2007.



Notary Public
My commission expires:

