Ernest M. Smith (1911-1992)
A. J. Welch, Jr. (1944-2018)
John P. Webb, PC
William A. White, PC
Andrew J. Welch, III, PC (NY & GA)
J. Byrd Garland
L. Scott Mayfield
Marc A. Avidano (FL & GA)
David M. Waldroup
Andrew J. Gebhardt
R. Brian Strickland
Elizabeth P. O'Neal
Megan Murren Rittle (GA & AL)
Lajuana C. Ransaw
Warren M. Tillery
Orion G. Webb

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ASSOCIATES
M. Chase Collum
Brooke A. White
Christopher T. Webb
Susana Gude-Rodriguez
Samantha L. Wicker

OF COUNSEL
Amy M. Fletcher

September 11, 2023

VIA ALTERNATIVE ELECTRONIC FILING

Ms. Sallie Tanner
Executive Secretary
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, Georgia 30334
stanner@psc.ga.gov

Re: ***In re: Sandersville Railroad Company's Petition for Approval to Acquire Real Estate by Condemnation, Docket No. 45045***

Dear Ms. Tanner:

Please find enclosed a supplemental "Exhibit M" to the *Pre-Filed Responsive Testimony of Donald Garrett, Sr.* (filed on August 25, 2023) for filing in the above-styled proceeding. Per the request of your office, sub-exhibits A and B to *Exhibit M* have been updated to include more legible copies of the sub-exhibits. No other changes have been made.

As required by the electronic filing procedures, a physical copy of this filing will be mailed to the Commission via U.S. Express mail, postage pre-paid. Thank you for your attention to this matter.

Please let me know if you have any questions or require additional materials.

Sincerely,

Grant E. McBride
Counsel for Robert Donald Garrett Sr. and Sarah Veazey Garrett

{Doc: 03417612.DOCX}

Enclosures

cc: Nancy Gibson (via email)
L. Craig Dowdy (via email)
Steven L. Jones (via email)
Robert S. Highsmith, Jr. (via email)
Laura E. Flint (via email)
Jaimie Rush (via email)
Malissa Williams (via email)
Miriam Gutman (via email)
Sallie Tanner (via email)
Rob Trokey (via email)
Ray-Kelle Preston (via email)

(Supplemental)
EXHIBIT M

EFILED IN OFFICE
CLERK OF SUPERIOR COURT
HANCOCK COUNTY, GEORGIA
SUCV2022000054
AUG 12, 2022 02:24 PM
Lashauna Jackson, Clerk
Hancock County, Georgia

IN THE SUPERIOR COURT OF HANCOCK COUNTY
STATE OF GEORGIA

Sandersville Railroad Company,	*	
	*	
Plaintiff,	*	
	*	
v.	*	CASE NO.: SUCV2022000054
	*	
R. Donald Garrett, Sr.,	*	
	*	
Defendant.	*	

CONSENT JUDGMENT AND INJUNCTION

NOW COME the parties to this action, through their respective undersigned counsel of record, and stipulate that they have agreed that Plaintiff Sandersville Railroad Company ("Plaintiff" or the "Railroad") is entitled to a judgment and injunction (this "Consent Judgment") against Defendant R. Donald Garrett, Sr. ("Defendant") on the following terms:

1. In furtherance of the Railroad's intent to build a new railroad route (the "Project"), the Railroad, including through its agents, assigns, appraisers, surveyors, engineers, attorneys, consultants, and/or the like, has the right, without having to commence condemnation proceedings or pay any damages to Defendant before exercising that right, (a) to enter Defendant's real property (the "Property") identified as Hancock County Tax Parcel Identification Number 186 013, more particularly described in that certain Limited Warranty Deed, dated July 23, 1988, recorded in Deed Book 11 Page 84 of the Real Estate Records of the Clerk of this Court (the "Records"), and attached hereto as **Exhibit "A"**, and more particularly shown and labeled as "TRACT 2A 4.45 AC." and "TRACT 2B 75.95 AC." on that certain "BOUNDARY SURVEY FOR RUSSELL GARRETT DONALD GARRETT & WALTER GARRETT" by James E. Smith, Jr., L.S., dated July 1, 1988, recorded in Plat Book 7, Page 315 of the Records, and attached hereto as **Exhibit**

"B"; and (b) to conduct on the Property any and all field surveys, appraisals, examinations, studies, and/or inspections, in person and/or by the use of ariel drones, relevant to the Project (collectively, the "Field Survey"); provided, however, that, consistent with O.C.G.A. § 46-8-100(1), the Railroad shall be responsible for any damage done to the Property as the result of the Field Survey.

2. Defendant is prohibited from denying or interfering with the Railroad's rights set forth in Paragraph 1 of this Consent Judgment. Specifically, Defendant is enjoined from denying or interfering with the Railroad's rights to enter the Property, conduct the Field Survey, and remain on the Property for such time as may be necessary to conduct the Field Survey. Nothing herein is intended to allow Railroad to remain on the Property for any period of time of years that would constitute a taking or adverse possession of Defendant's Property.

3. The Field Survey shall commence on Monday, August 1, 2022, and run through Tuesday, August 9, 2022 (the "Field Survey Period"); provided, however, that (a) Defendant understands and agrees that the Railroad shall have the right to change, reschedule, shorten, and/or extend the Field Survey Period as may be necessary, reasonable, and/or prudent for the purposes of the Project; (b) the Railroad shall provide such advance notice as is practicable to Defendant of any change in the Field Survey Period and, in no event, less than forty-eight (48) hours' notice of any proposed change in date or time; (c) Defendant or his individual representative, currently selected as R. Donald Garrett, Jr., shall be entitled to be present during all aspects of the Field Survey, subject to the conditions and restrictions set forth in Paragraph 2 of this Consent Judgment; and (d) this Consent Judgment shall have full force and effect with respect to the Field Survey Period, as set forth herein or otherwise changed by the Railroad in accordance with the terms hereof.

4. In the event that Defendant fails to comply in any respect with this Consent

Judgment, the Railroad shall be entitled to ask the Court to hold Defendant in contempt as well as seek all other available remedies due or arising from Defendant's breach(es) of the terms and conditions set forth herein. Defendant shall be entitled to ask for a hearing on any such request for relief by the Railroad.

5. Defendant agrees that he has been properly served with process in this action, that the jurisdiction and venue of this Court will be proper for purposes of any enforcement proceedings related to or arising out of this Consent Judgment, and that in the event any such enforcement proceedings are brought, he will submit, and waive any objection, to this jurisdiction and venue. Defendant waives no further defenses in this proceeding or any future proceedings. It is expressly the intent of the parties that this Consent Judgment shall have no bearing on any future action to condemn the Property. Defendant reserves and does not waive the right to assert that Plaintiff's proposed taking of the Property is illegal, unconstitutional, and not done for a public purpose. Defendant does not waive any right he may have to seek full just and adequate compensation for any of the Property taken by the Railroad.

6. The Court shall retain jurisdiction of this action for purposes of enforcing this Consent Judgment. Subject to this retention of jurisdiction, the Verified Complaint for Declaratory Judgment and Injunctive Relief (the "Verified Complaint"), and all claims by the Railroad against Defendant therein, are hereby dismissed without prejudice, each party to bear its or his own attorneys' fees, costs, and expenses.

7. Defendant acknowledges that he has reviewed, or has been afforded a reasonable opportunity to review, this Consent Judgment with counsel of his choice and that he fully understands and agrees to its terms and conditions.

8. For the purpose of providing notice and information regarding the Field Survey,

the Railroad may communicate with Defendant's designated agent, R. Donald Garrett, Jr., at dongarrett77@gmail.com or 850.530.8649.

BY AGREEMENT OF THE PARTIES, AS ACKNOWLEDGED BY THE SIGNATURES OF THEIR RESPECTIVE COUNSEL OF RECORD BELOW, IT IS THEREFORE:

ORDERED, ADJUDGED, AND DECREED that, the Railroad, including through its agents, assigns, appraisers, surveyors, engineers, attorneys, consultants, and/or the like, has the right, without having to commence condemnation proceedings or pay any damages to Defendant before exercising that right, to enter the Property, conduct the Field Survey, and remain on the Property for such time as may be necessary to conduct the Field Survey; provided, however, that the Railroad shall be responsible for any damage done to the Property as the result of the Field Survey. These rights terminate once the Field Survey is complete and this Consent Judgment has no bearing or impact on any future litigation between the parties, including any future condemnation proceedings filed against Defendant by Plaintiff. It is further,

ORDERED, ADJUDGED, AND DECREED that Defendant is enjoined from denying or interfering with the Railroad's above stated rights. It is further,

ORDERED, ADJUDGED, AND DECREED that Defendant has been properly served with process in this action, that the jurisdiction and venue of this Court will be proper for purposes of any enforcement proceedings related to or arising out of this Consent Judgment, and that in the event any such enforcement proceedings are brought, Defendant will submit, and waive any objection, to this jurisdiction and venue. Defendant waives no other defenses in this matter and waives no defenses or rights in any other litigation between the parties. It is further,

ORDERED, ADJUDGED, and DECREED that the Court shall retain jurisdiction of this

action for purposes of enforcing this Consent Judgment. Subject to this retention of jurisdiction, the Verified Complaint, and all claims alleged by the Railroad against Defendant therein, are hereby dismissed without prejudice, each party to bear its or his own attorneys' fees, costs, and expenses.

SO ORDERED this 10th day of August, 2022.

Stephen A. Bradley

HON. Stephen A. Bradley
JUDGE, SUPERIOR COURT OF HANCOCK COUNTY, GEORGIA

Consented to and presented by:

TAYLOR ENGLISH DUMA LLP

/s/ Steven L. Jones
Michael Eric Ross
Georgia Bar No. 615190
Steven L. Jones
Georgia Bar No. 639038
Daniel H. Weigel
Georgia Bar No. 956419

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Attorneys for Plaintiff

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/s/ Grant E. McBride (w/ express permission)
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Fax. (770) 957-9165
gmcbride@smithwelchlaw.com

Attorney for Defendant

EXHIBIT A

BOOK 0011 PAGE 0084

WARRANTY DEED

GEORGIA, HANCOCK COUNTY.

THIS INDENTURE, Made this 23rd day of July, 1988, between WALTER L. GARRETT, JR., of Hancock County, Georgia, of the first part, and R. DONALD GARRETT, SR., of Hancock County, Georgia, of the second part;

WITNESSETH: That the said party of the first part, for and in consideration of the sum of --- TEN DOLLARS ($10.00) AND OTHER VALUABLES --- in hand paid at and before the sealing and delivery of these presents, the receipt is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said party of the second part, his heirs and assigns, all the following described property, to-wit:

All that certain tract or parcel of land situate, lying and being in the 113th District, G.M. of Hancock County, Georgia, containing 75.95 acres, more or less, and being more fully shown and designated as Tract #2B on a plat by James E. Smith, Jr., L.S., dated July 1, 1988, a copy of which is now of record in Plat Book 7 , page 319 Hancock County records, to which plat reference is specifically made as an aid to this description. Said lands are bounded generally on the North by the centerline of a creek across which lie lands of Eddie M. Folds; East by lands of Walter L. Garrett, Jr. designated as Tract #3 on the aforesaid plat; South by the centerline of a dirt drive; and West by lands of Walter L. Garrett, Jr. designated as Tract #1 on the aforesaid plat, and by lands of James A. Smith.

All that certain tract or parcel of land situate, lying and being in the 113th District, G.M. of Hancock County, Georgia, containing 4.45 acres, more or less, and being more fully shown and designated as Tract #2A on a plat by James E. Smith, Jr., L.S., dated July 1, 1988, a copy of which is now of record in Plat Book 7 , page 315 , Hancock County records, to which plat reference is specifically made as an aid to this description. Said lands are bounded generally on the North by the centerline of a county dirt road; East by lands of Walter L. Garrett, Jr. designated as Tract #3 on the aforesaid plat; South by the Sparta-Shoals paved road and by lands of R. Donald Garrett; and West by lands of R. Donald Garrett and lands of Russell B. Garrett.

Said conveyance is expressly subject to that certain 40-ft. easement in favor of R. Donald Garrett, Sr., Walter L. Garrett, III, and Russell B. Garrett as shown on the aforesaid plat, as well as any and all other easements and restrictions of record.

This conveyance is expressly subject to that certain deed to secure debt from Walter L. Garrett, Jr. to the Bank of Hancock County now of record in Deed Book 4-R, page 363, Hancock County records. Grantee herein expressly assumes and agrees to pay 1/3 of the outstanding principal and interest balance.

TO HAVE AND TO HOLD, the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of R. DONALD GARRETT, SR., the said party of the second part, his heirs and assigns, forever in Fee Simple.

And the said party of the first part, for himself, his heirs and assigns, will warrant and forever defend the right and title to the above described property unto the said party of the second part, his heirs and assigns, against the claims of all persons whomsoever.

IN WITNESS WHEREOF the said party of the first part has hereunto set his hand and affixed his seal the day and year first above written.

Walter L. Garrett Jr. (SEAL)
WALTER L. GARRETT, JR.

Signed, sealed and delivered
in the presence of:

Witness

Notary Public, Hancock County, GA
My Commission expires 8/8/89

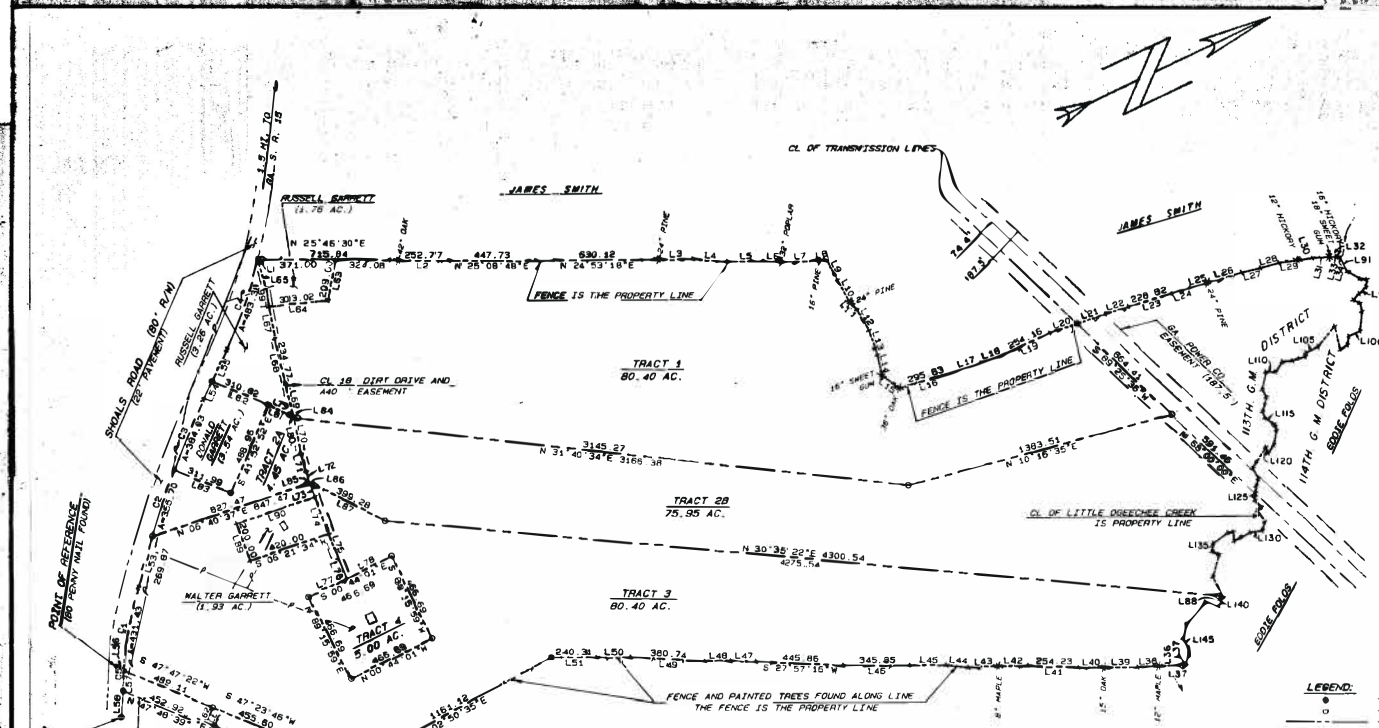
(Notary Seal)

Hancock
7-26-88
J.H. Peterson, Chief Dep

Filed July 26 1988 At 2:00 PM
Recorded July 27 1988
Leroy S. Wiley, C.S.C.

EXHIBIT B

Entered of record this 27th day of July, 1988, U.S. Ct., Hancock S.C.



LINE	BEARING	DISTANCE
1	N 25°46'30"E	20.76
2	N 25°51'16"E	252.77
3	N 26°05'33"E	175.62
4	N 26°56'22"E	178.56
5	N 24°15'34"E	185.04
6	N 28°57'02"E	86.70
7	N 23°12'36"E	198.34
8	N 10°57'20"E	33.83
9	N 67°18'56"E	119.97
10	N 85°34'06"E	132.78
11	N 74°40'58"E	47.72
12	N 82°22'48"E	125.48
13	S 83°21'06"E	127.14
14	S 77°05'01"E	105.08
15	N 62°20'13"E	112.42
16	N 08°23'05"E	295.63
17	N 07°32'10"E	139.12
18	N 05°29'08"E	127.29
19	N 01°02'07"E	254.18
20	N 06°42'11"E	149.13
21	N 08°42'11"E	151.41
22	N 07°36'29"E	124.87
23	N 08°44'24"E	228.82
24	N 07°34'25"E	100.02
25	N 10°05'05"E	90.90
26	N 09°28'51"E	186.08
27	N 11°40'11"E	99.77
28	N 09°29'31"E	97.48
29	N 17°05'31"E	97.57
30	N 16°35'43"E	75.01

LINE	BEARING	DISTANCE
31	N 21°47'09"E	98.34
32	N 24°53'23"E	69.79
33	N 24°53'23"E	45.05
34	N 24°53'23"E	24.74
35	S 22°29'57"W	25.00
36	S 22°29'57"W	118.14
37	S 22°29'57"W	143.14
38	S 22°29'57"W	104.29
39	S 24°54'14"W	175.17
40	S 25°10'23"W	127.48
41	S 28°04'30"W	254.23
42	S 22°58'11"W	154.81
43	S 25°05'55"W	151.19
44	S 31°54'40"W	113.56
45	S 24°01'45"W	182.20
46	S 25°38'32"W	345.85
47	S 27°11'23"W	130.27
48	S 24°21'03"W	131.59
49	S 28°17'05"W	380.74
50	S 26°00'11"W	169.52

LINE	BEARING	DISTANCE
51	S 25°21'07"W	240.31
52	S 49°26'15"W	308.61
53	N 48°34'40"W	269.87
54	N 39°59'36"W	104.97
55	N 39°59'36"W	178.91
56	S 47°47'22"W	0.87
57	S 62°26'02"E	75.38
58	S 60°00'07"E	131.04
59	N 50°09'20"E	183.46
60	N 09°54'37"E	160.77
61	N 41°13'27"W	100.09
62	N 42°23'48"W	100.00
63	S 54°27'18"E	209.00
64	S 19°23'04"W	303.02
65	S 78°47'42"E	150.55
66	S 73°04'43"E	95.82
67	S 78°45'48"E	166.00
68	S 78°33'29"E	234.77
69	S 77°28'17"E	175.93
70	S 78°58'12"E	186.29

LINE	BEARING	DISTANCE
71	S 80°23'41"E	92.13
72	S 82°01'42"E	63.92
73	S 83°38'26"E	74.89
74	S 83°38'26"E	200.00
75	S 84°30'56"E	132.78
76	S 87°51'05"E	112.45
77	S 00°44'01"E	204.96
78	S 00°44'01"E	261.73
79	S 52°38'42"W	146.81
80	S 52°38'42"W	26.08
81	S 52°38'42"W	120.74
82	S 47°38'42"W	310.82
83	S 47°40'05"W	311.99
84	N 31°40'34"E	21.11
85	N 06°40'37"E	20.00
86	N 52°10'27"E	28.70
87	N 52°10'27"E	427.97
88	N 30°35'22"E	25.00
89	N 83°38'26"W	200.00
90	N 06°21'34"E	420.00

LINE	BEARING	DISTANCE
91	S 81°05'39"E	55.93
92	N 85°17'54"E	75.66
93	N 26°38'13"E	33.22
94	S 56°38'21"E	39.45
95	S 18°44'05"E	46.58
96	S 19°04'47"E	44.82
97	N 49°48'31"E	39.64
98	S 77°59'32"E	41.72
99	S 58°40'48"E	98.79
100	S 00°24'09"W	82.90
101	S 54°58'30"E	44.66
102	S 07°23'34"E	42.69
103	N 79°06'27"W	120.66
104	S 25°03'10"E	131.87
105	S 00°26'06"W	66.73
106	S 48°57'42"E	22.38
107	S 07°53'44"W	57.35
108	S 19°26'62"W	51.47
109	S 29°10'02"E	64.27
110	S 26°42'14"W	48.59
111	S 52°52'13"E	93.86
112	N 64°36'36"E	41.46
113	S 50°16'26"E	78.13
114	S 83°52'39"E	34.53
115	N 59°59'14"E	54.61
116	N 75°11'46"E	14.21
117	S 79°40'17"E	22.66
118	S 54°24'00"E	76.11
119	S 30°21'14"E	52.16
120	N 84°16'53"W	34.06
121	S 32°48'51"E	128.67
122	N 86°19'33"E	61.19
123	S 47°43'56"E	39.35
124	S 89°25'11"E	35.83
125	S 59°25'11"E	40.11
126	N 74°18'33"E	49.00
127	S 14°56'23"E	25.71
128	N 80°03'06"E	67.23
129	S 49°03'29"E	47.39
130	S 17°00'31"W	62.86
131	S 03°10'17"E	94.28
132	N 70°16'01"W	48.37
133	S 15°42'21"W	26.96
134	S 10°10'54"E	91.06
135	S 54°39'27"E	43.24
136	N 48°28'29"E	39.05
137	S 48°51'17"E	117.85
138	N 88°47'17"E	110.82
139	N 88°47'17"E	11.30
140	S 32°40'31"E	44.82
141	S 41°58'52"W	71.85
142	S 30°15'26"E	51.43
143	S 21°15'22"E	98.50
144	S 50°27'12"E	74.88
145	N 85°56'39"E	45.45
146	S 66°03'38"E	54.66
147	S 52°31'57"E	40.91

CURVE	DELTA	RADIUS	ARC	TANGENT	CHORD	CHORD BRG
1	12°55'44"	1911.92	431.43	216.63	430.51	N 55°02'32"W
2	4°07'40"	4937.83	355.70	177.93	355.62	N 46°30'50"W
3	4°27'24"	4937.23	384.03	192.11	383.93	N 42°13'18"W
4	9°57'31"	2781.10	483.38	242.30	482.77	N 44°58'21"W
5	0°55'39"	1911.92	30.94	15.47	30.94	S 61°58'13"E

NOTES:
TRACT 1 IS TO BE DEEDED TO RUSSELL GARRETT. TRACT 2A AND 2B IS TO BE DEEDED TO DONALD GARRETT. TRACT 3 IS TO BE DEEDED TO WALTER GARRETT AND TRACT 4 IS TO BE DEEDED TO RUSSELL GARRETT, DONALD GARRETT AND WALTER GARRETT.

ACREAGE SUMMARY:

TRACT 1	80.40 AC.	
TRACT 2A	4.45 AC.	
TRACT 2B	75.95 AC.	
SUBTOTAL	80.40 AC.	
TRACT 3	80.40 AC.	
TRACT 4	5.00 AC.	
TOTAL	246.20 AC.	

LEGEND:
- ● - IRON PIN FOUND
- o - IRON PIN SET
- ——— - PROPERTY LINE
- - - -

CERTIFICATE OF SERVICE

I, Molly Bonner, Secretary to Judge Stephen A. Bradley, do hereby certify that I have this day served the within Consent Judgment and Injunction upon the individuals listed below by electronic transmission or by mailing a copy to them by U.S. Mail in envelopes having sufficient postage thereon to ensure delivery and addressed as follows:

Steven L. Jones
sjones@taylorenglish.com

Grant E. McBride
gmcbride@smithwelchlaw.com

Original e-filed with Clerk of Court

This 12th day of August, 2022.

Molly L. Bonner
Post Office Box 111
Monticello, Georgia 31064
Tel: (706) 468-4906

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of September, 2023, a copy of the foregoing *Supplemental Exhibit M* to the *Pre-Filed Responsive Testimony of Donald Garrett, Sr.* has been served via electronic mail and U.S. First-Class Mail on the following pursuant to GA. COMP. R. & REGS. 515-16-16-.02; 515-2-1-.04(4)(b), (3):

VIA Electronic Mail and U.S. First-Class Mail:

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Thomas Ahmad Lee
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Counsel for Intervenors No Railroad in Our Community Coalition ("NROCC")

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Designated Hearing Officer

Sallie Tanner
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, GA 30334
Telephone: (404) 656-4501
Facsimile: (404) 656-2341
E-mail: stanner@psc.ga.gov

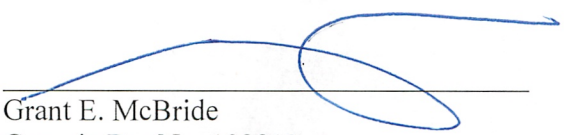
Executive Secretary of the Public Service Commission

Rob Trokey
Georgia Public Service Commission
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DATED this 11th day of September, 2023.



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