

COPY

IN THE CIRCUIT COURT FOR LAWRENCE COUNTY, TENNESSEE
AT LAWRENCEBURG

JAMES J. TIEDJENS AND WIFE,)
SHARON M. TIEDJENS)
)
Plaintiffs)

Vs.)

THE FALL RIVER UTILITY DISTRICT OF)
LAWRENCE COUNTY, TENNESSEE)
)
Defendants)

No. CC-22-86-09

FILED FOR RECORD
2023 MAR 21 PM 2 14

COMPLAINT

COUNT I - NUISANCE

COMES NOW the Plaintiffs, JAMES J. TIEDJENS AND WIFE, SHARON M. TIEDJENS, and for their cause of action would state and show to the Court as follows:

I

The plaintiffs are citizens and residents of Lawrence County, Tennessee, and have been at all times material hereto.

II

That the defendant, Fall River Road Utility District of Lawrence County, Tennessee, is a utility district organized pursuant to T.C.A. § 7-82-101 et seq. and is a governmental entity.

III

That the plaintiffs are the owners of a tract of real estate situated, lying, and being in Lawrence County, Tennessee, of record in Warranty Deed Book 274, page 88-89, Register's

Office of Lawrence County, Tennessee, and in Warranty Deed Book 275, page 578-580,

Register's Office of Lawrence County, Tennessee, and is more fully described as follows:

PARCEL NO. 1

LAND situated, lying and being in the 1st Civil District of Lawrence County, Tennessee, and being more particularly described as follows:

BEGINNING at a nail in and cap in the centerline of Crowder Road, the Southwest corner of an 82.88 acre tract of which this is a part; thence N 07° 55' 06" E 1755.94 feet to an iron pin; thence N 18° 24' 57.3" E 909.45 feet to an iron pin; thence S 46° 14' 17.8" E 1176.57 feet to a stake; thence S 06° 09' 23" W 1942.87 feet to the centerline of Crowder Road; thence with said road, N 83° 01' W 1179.34 feet to the beginning, containing 60 acres, more or less, gross. Subject to road easement.

Description in accordance with a survey of Larry G. Baker, Licensed Surveyor Tennessee Cert. #198, dated November 11, 1988.

Subject to Protective Covenants as set out in Deed Book 241, pages 188-90, Register's Office of Lawrence County, Tennessee.

TITLE REFERENCE: Being the same property conveyed to JAMES J. TIEDJENS and wife, SHARRON M. TIEDJENS, from LARRY G. DYER and wife, LINDA S. DYER, by deed of record in Warranty Deed Book 274, Page 88-89, and Note Book 22, Page 286, Register's Office for Lawrence County, Tennessee.

PARCEL NO. 2

Land situated, lying and being in the 8th Civil District of Lawrence County, Tennessee, and described as follows:

BEGINNING at a nail and cap in the centerline of Crowder Road, the same being a common corner with Thigpen, the same being the southernmost SW corner of the original tract of which this is a part; thence South 83° 01' East with said road 250 feet to a nail and cap, the TRUE BEGINNING of this conveyance; thence leaving said road, North 5° 24' 03.2" East 1450.55 feet to an iron pin; thence South 83° 36' East 358.8 feet to an iron pin; thence South 7° 55' 06" West 1453.84 feet to a nail and cap in the centerline of Crowder Road; thence North 83° 01' West with said road 295 feet to the beginning, containing 10.9 acres gross.

INCLUDED IN THE ABOVE DESCRIPTION BUT EXCLUDED FROM THIS CONVEYANCE are the following two tracts:

Tract No. 1:

A certain tract of land lying in the 8th Civil District of Lawrence County, Tennessee, on the north side of Crowder Road, approximately 270.00 feet east of Prosser Road, and being more particularly described as follows:

BEGINNING at a nail and cap in the centerline of Crowder Road (sic), Robert B. Springer's SE corner and the SW corner of this tract; thence leaving said road with R.B. Springer's EBL, N 05° 12' 24" E passing an iron pin at 18.00 feet, in all 1164.00 feet, to an iron pin, the NW corner of this tract; thence with a new division line, S 83° 14' 03" E 149.86 feet to an iron pin in field; thence S 05° 12' 23" W passing an iron pin at 1144.00 feet, in all 1164.00 feet, to a PK nail in the center of Crowder Road, the SE corner of this tract; thence with centerline of said road, N 83° 14' 03" W 149.86 feet to the Point of Beginning and containing 4.00 acres be it the same, or more, or less.

Tract No. 2:

A tract of land in the 8th Civil District of Lawrence County, Tennessee, lying north of Crowder Road and being more particularly described as follows:

BEGINNING at an existing iron pin on the south boundary line of the property of Don Lee and wife, Linda Lee, as recorded in Deed Book 230, page 592, ROLCT, at the northeast corner of the property of Robert B. Springer and wife, Opal L. Springer, as recorded in Deed Book 236, page 577, ROLCT; thence with a fence, the south boundary line of said property of Don Lee et ux, south 86° 46' 40" East, a distance of 149.43 feet to an iron pin set; thence with a line severing the property of Robert Haynes Smith and wife, Anna Lou Smith, as recorded in Deed Book 237 page 297, ROLCT, South 02° 12' 59" West, a distance of 287.49 feet to an existing iron pin; thence with the north boundary line of the property of Robert B. Springer et ux as recorded in Deed Book 251, page 18, ROLCT, North 86° 19' 27" West, a distance of 149.62 feet to an existing iron pin; thence with the east boundary line of said property of Robert B. Springer et ux as recorded in Deed Book 236, page 577, ROLCT, North 02° 14' 56" East, a distance of 286.30 feet to the point of beginning and containing 42,889 square feet, or 0.98 of an acre more or less.

Subject to Restrictions as set out in Warranty Deed of record in Deed Book 237, pages 297-99; Transmission Line Easement to TVA of record in Deed Book 108, page 465-66 and Easement to Texas Eastern Pipeline Company of record in Deed Book 100, pages 113-14, Register' Office of Lawrence County, Tennessee.

For source of title see Warranty Deed from Anthony DiFore and wife, Evelyn C. DiFore, to Robert Haynes Smith and wife, Anna Lou Smith, dated April 29, 1988 of record in Deed Book 237, pages 297-99, ROLC, TN.

TITLE REFERENCE: Being the same property conveyed to JAMES J. TIEDJENS and wife, SHARRON M. TIEDGENS, from ROBERT HAYNES SMITH and wife, ANNA LOU SMITH,

by deed of record in Warranty Deed Book 275, Page 578-580, and Note Book 22, Page 323, Register's Office for Lawrence County, Tennessee.

The legal descriptions above were taken from the deeds by which the property was conveyed to the grantors. The real estate was not surveyed at the time of this conveyance.

For further source of title see Quitclaim Deed to create a Tenancy in Common between James J. Tiedjens and Sharron M. Tiedjens dated the 2nd of January, 1997, and recorded in Warranty Deed Book 291, page 618, ROLC, TN.

IV

That the defendant, Fall River Road Utility District, was issued a general NPDES Permit for discharges of filter back wash, sedimentation, and basin wash water from water treatment plants on June 18, 2008. The Fall River Road Water Treatment Plant is the discharger under that permit, and is authorized to discharge filter back wash and/or sedimentation basin wash water from water treatment plants from a facility located in Lawrenceburg, Lawrence County, Tennessee, to the receiving waters, i.e., a branch off of Shoal Creek. Said Water Treatment Plant Discharge Permit is for the Fall River Road Water Treatment Plant that is located at 1059 Crowder Road, Lawrenceburg, Tennessee 38464, the plaintiffs' own an adjoining tract of land across Crowder Road from the location of the Water Treatment Plant operated by the Fall River Road Utility District.

V.

On or about June 18, 2008, the defendant began dumping discharge water out of the Water Treatment Plant, and onto the real estate belonging to the plaintiffs, herein. The defendants discharge as much as 35,000 gallons per discharge, and at one point was discharging 35,000 gallons of water every thirty (30) hours. Said water discharges onto the land owned by

the plaintiffs and drains across plaintiffs' land causing pollution of the plaintiffs' land, depositing alum, hypochlorite, and other caustic sodas, chemicals and waste on the land belonging to the plaintiffs, and also, cause erosion and wetting of the plaintiffs' land that makes the plaintiffs land continually wet causing other health problems and interfering with the plaintiffs' use and quite enjoyment of their land. The defendants are discharging said water in violation of the laws and statutes of the State of Tennessee and the Federal Government that control such discharge into the streams and rivers of the State of Tennessee. Said activities of the defendant have interfered and disturbed the plaintiffs' free use of their real property and renders its ordinary use or physical occupation uncomfortable and have caused permanent damage to the plaintiffs' property.

VI.

That the actions of the defendant in continuously discharging water across the plaintiffs' property constitute a permanent nuisance, in that said Water Treatment Plant is a permanent facility. The plaintiff verily believes that the Utility District intends to operate said Water Treatment Plant as a permanent facility. That the manner, method, and mode of operation of said Water Treatment Plant call for the discharge on a regular basis of amounts of water, up to 40,000 gallons at a time. The defendants have designed their plant in such a way that this is a permanent nuisance and is a permanent taking of the plaintiffs land, and even though said Water Plant may be operated in accordance with its design, it interferes with the use and enjoyment of the plaintiffs' property. Even if the operation of the Defendants' Water Treatment Plant is done with due care, the plaintiffs will continue to be damaged in the future from the nuisance created by the defendants operation of their Water Treatment Plant, and the plaintiffs should be compensated for said damage done to their real estate by the defendants operation of their Water Treatment Plant.

VII

The defendants have caused chemicals to be deposited on the plaintiffs' land that has polluted the plaintiffs' pond; the increased volume of water has endangered and damaged said pond thru chemical contamination.

The defendants have exceeded the permissible limits set by their NEPDES Permit both for volume of discharged water and chemical levels in violation of said permit. This violation is due to defendants negligence, or alternatively is an intentional violation of there NEPDES Permit resulting in irreparable harm done to the plaintiffs' property.

COUNT II - INVERSE CONDEMNATION

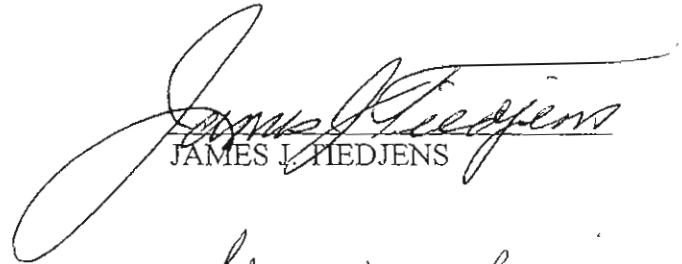
1. All of the allegations contained in paragraph I to paragraph VII are hereby incorporated and republished by reference.

2. That the operation of the Fall River Road Water Treatment Plant by the defendant, Fall River Road Utility District, constitutes a taking of the plaintiffs' property without due process of law, and without just compensation, and further, that said taking has caused damage to the remainder of plaintiffs' real estate. The plaintiff would show to the Court that the plaintiffs' real estate is currently being used for agricultural purposes, but that the highest and best use for the real estate development belonging to the plaintiffs, is real estate development and the plaintiffs contemplate a real estate development on this real estate in the future, and the taking by the defendant has caused damage not only to that portion that has be effectively taken by water run off from the Defendants Water Treatment Plant, but also effects the remainder interest of the plaintiff.

property, and damages to the remainder of Plaintiffs' property, resulting from Defendant's maintenance of a permanent nuisance and its resulting interference with Plaintiffs' use and enjoyment of their real property.

3. For such other, further and general relief as to which they may be entitled in the premises.

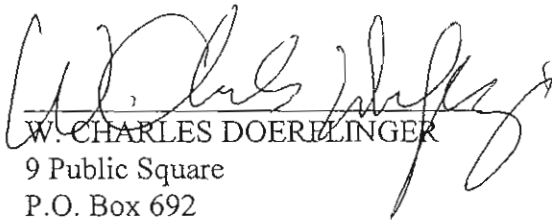
THIS the 21 day of May, 2009.



JAMES J. TIEDJENS



SHARON M. TIEDJENS



W. CHARLES DOERFLINGER

9 Public Square

P.O. Box 692

Lawrenceburg, TN 38464

Telephone (931)762-6620

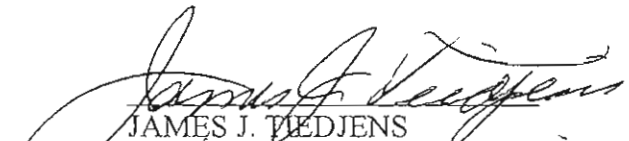

FAX (931)762-6632

Tennessee Bar No. 002511

Attorney for Plaintiffs

STATE OF TENNESSEE
COUNTY OF LAWRENCE

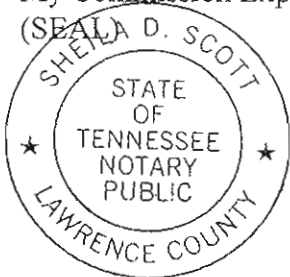
Personally appeared before me, James J. Tiedjens and wife, Sharon M. Tiedjens, and made oath that they have read the foregoing Complaint and that the statements in said Complaint are true except those statements made on information and belief and those statements are believed to be true.


JAMES J. TIEDJENS

SHARON M. TIEDJENS

Sworn to and subscribed before me this the
21st day of May, 2009.

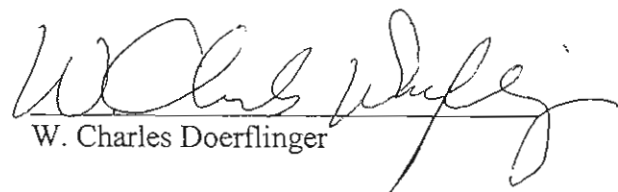

Notary Public

My Commission Expires: 07-03-11



COSTS BOND

We are surety for costs not to exceed \$1,000.00.


W. Charles Doerflinger