



SKM_C458 id26081119590



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CAROTHERS & MITCHELL, LLC

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OF COUNSEL:
ELAINE C. SETMOUR

WRITER'S EMAIL: THOMAS.MITCHELL@CARMITCH.COM
WRITER'S DIRECT DIAL: (678)730-0433

August 11, 2026

VIA FEDERAL EXPRESS OVERNIGHT DELIVERY
AND EMAIL TO: ATTORNEYMHC@WINDSTREAM.NET

Johnny M. Irvin
David L. Irvin
J&D Irvin Holdings
c/o Michael Cummings II, LLC
102 Dotson Street
Clayton, Georgia 30525

Re: Property: 2 Lots Tallulah, Tallulah Falls, GA 30573
Parcel Nos. 100D 006 & 100D 006A

Dear Gentlemen:

Please accept delivery of this correspondence, which shall serve as notice that the above-stated property is subject to a proposed condemnation by the City of Demorest, Georgia. In addition, a sign will be posted on the right-of-way adjacent to the property as is required by state law. There will be a public hearing on the matter, and the City of Demorest City Council will decide whether to exercise the power of eminent domain at 7:00 p.m. on September 1, 2026 in the meeting room of the City Municipal Building for the City of Demorest located at 250 Alabama Street, Demorest, Georgia 30535.

Pursuant to O.C.G.A. § 22-1-10(a), the City of Demorest's City Council may approve the exercise of eminent domain after fifteen (15) days from the date of service of this notice. Pursuant to O.C.G.A. § 22-1-10.1, the City of Demorest may initiate the proposed condemnation after thirty (30) days from the date of approval of the exercise of the power of eminent domain. Also served with this notice are (i) a copy of the Landowner Statement of Rights promulgated by the Georgia Department of Community Affairs pursuant to O.C.G.A. § 22-1-10(d) and (ii) a sample motion pursuant to O.C.G.A. § 22-1-11. Please note that while it is required to provide these documents by law, the City plans to acquire the property interest by the Declaration of Taking method which differs from the method outlined therein. Please consult with counsel because your rights are strictly governed by law.

Johnny M. Irvin
David L. Irvin
J&D Irvin Holdings
c/o Michael Cummings II, LLC
August 11, 2026
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Also enclosed are the appraiser's opinion of value, and the comparable sales upon which that is based.

If you have any questions regarding this matter, please contact the City Manager, Mark Musselwhite at (706) 778-4202 or me at (770) 932-3552 ext. 103.

Very truly yours,

CAROTHERS & MITCHELL, LLC

Thomas M. Mitchell



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Very truly yours,

CAROTHERS & MITCHELL, LLC



Thomas M. Mitchell

TMM/hbc
Enclosures
cc:

Megan Chastain (via email to mchastain@cityofdemorest.org)
Mark Musselwhite (via email to mmusselwhite@cityofdemorest.org)



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STATEMENT OF RIGHTS

As indicated in the attached notice, a governmental entity is attempting to acquire property rights from you for a public use. In accordance with state law, this notice was prepared by the Georgia Department of Community Affairs to help ensure that you understand your rights in connection with this acquisition effort.

Georgia law requires the governmental entity to make reasonable efforts to negotiate with you to acquire these property rights. However, if you and the governmental entity are unable to reach mutually agreeable terms through good-faith negotiations, the governmental entity may file a condemnation action to acquire these property rights through the power of eminent domain.

Prior to Exercising the Power of Eminent Domain through Condemnation Proceedings

Prior to exercising the power of eminent domain, a governmental condemnor must take the following actions:

- Not less than 15 days before any meeting at which a resolution approving the exercise of eminent domain is to be considered, post a sign, if possible, in the right of way adjacent to each property that is subject to the proposed use of the eminent domain power stating the time, date, and place of such meeting;
- Attempt to serve the condemnee personally with notice of the meeting not less than 15 days before any meeting at which such resolution is to be considered, unless service is acknowledged or waived by the condemnee. If the attempted service is unsuccessful, service of notice may be satisfied by mail or statutory overnight delivery to the property owner at the address of record and, if different from the property owner, to the parties in possession of the property, return receipt requested;
- Ensure that any notice that is required by law to be published be placed in the county legal organ, but such notice shall not be published in the legal notices section of such newspaper; and,
- If you (condemnee) and the governmental entity are unable to reach mutually agreeable terms through good-faith negotiations, the governmental entity may file a condemnation action to acquire these property rights through the power of eminent domain.

The governmental entity must document, by an appropriate method, the time when it decided to condemn your property. The governmental entity may not file a condemnation action concerning your property until at least 30 days after that decision is made.

Condemnation

If a governmental entity brings a condemnation action to acquire property rights that you own, the governmental entity will file a condemnation petition in the Superior Court of the county where your property is located; and you will be served with a copy of the condemnation petition. The petition will inform you that unless waived by all parties, there will be a hearing in court, in the judge's chambers, or by telephone for the appointment of a special master to hear the condemnation matter. This appointment hearing must take place not less than 10 days nor more

than 30 days after the condemnation petition has been filed with the court. When the judge appoints a special master, the judge will then order that a condemnation hearing before the special master be held not less than 30 days nor more than 60 days after the appointment of the special master.

You have the right to hire an attorney to represent your interests in connection with the condemnation action. During the hearing before the special master, you will have the opportunity to challenge the governmental entity's evidence and, if you wish, to cross-examine the governmental entity's witnesses and call other witnesses to present evidence concerning your perspective of the case.

Our Georgia Constitution provides that private property may not be taken from you without **just and adequate compensation** being paid to you first. You are entitled to recover the **fair market value** of the property rights acquired by the governmental entity as just and adequate compensation. Where only part of a parcel of land is acquired, you may also be entitled to recover **consequential damages** for any reduction in the market value of the remaining property that results from the acquisition. In addition, if you are displaced from your property, you may be entitled to **relocation costs**.



In Rem Condemnation Proceeding



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IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____	)	
_____	)	
Plaintiff,	)	CIVIL ACTION
v.	)	FILE NO. _____
_____	)	In Rem Condemnation Proceeding
_____	)	
Defendant.	)	

DEFENDANT'S MOTION PURSUANT TO O.C.G.A. § 22-1-11

Comes now _____, Defendant in the above-styled
condemnation proceeding, and files this motion before the vesting of title and in accordance with
O.C.G.A. § 22-1-11 to:

[Check Where Appropriate]

_____ Challenge whether the exercise of the power of eminent domain by Plaintiff is for a
public use.

_____ Challenge whether Plaintiff has the legal authority to exercise the power of eminent
domain.

Defendant requests that a hearing on this motion be set at the first possible instance and
that a copy be served by mail on all parties to this action.

This _____ day of _____, 20__.

Defendant _____
Address: _____

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing motion on other parties to this
action or their counsel by mailing a copy to each of the following:



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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing motion on other parties to this action or their counsel by mailing a copy to each of the following:

This _____ day of _____, 20____.

 Defendant

IN THE SUPERIOR COURT OF _____ COUNTY
 STATE OF GEORGIA

_____	)	
_____	)	
Plaintiff,	)	
	)	CIVIL ACTION
v.	)	FILE NO. _____
_____	)	
_____	)	In Rem Condemnation Proceeding
Defendant.	)	



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IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____	)	
_____	)	
Plaintiff,	)	
	)	CIVIL ACTION
v.	)	FILE NO. _____
_____	)	
_____	)	In Rem Condemnation Proceeding
Defendant.	)	

RULE NISI

Defendant has filed a motion pursuant to O.C.G.A. § 22-1-11 in this condemnation proceeding and has asked the Court to set a hearing on the motion. Notice is hereby given that the Court will hold a hearing on the motion on _____, 2026, at _____ m. in Courtroom _____ of the _____ County Courthouse.

This _____ day of _____, 20____.

Judge [or Clerk or Deputy Clerk]
Superior Court of _____ County

APPRAISAL OF REAL PROPERTY

