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Federal Communication Commission

MAR 25 2014

03/21/2014

FCC Mail Room

Sharon E. Black
6608 Concord Mews
Montgomery, AL 36116
Email-ssbrb1235@aol.com

Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communication Commission
445 12th Street, SW
Washington, DC 20554

In ref: WAPR

New NCE (FM), Montgomery, AL
Black Smith Multi-Media, Inc.
WABS Broadcasting Station
Facility ID No: 6125
File No. BMLED-20140212ADP

New NCE (FM), Prosser, UA-ASU-TSU
Educational Radio Corporation
Facility ID: 6125
Phifer Hall, University of AL
Tuscaloosa, AL 35487
File No. BLSTA-20140106DNM

2014 MAR 26 A 6:06
RECEIVED

Petition for Reconsideration

Dear Mrs. Dortch:

This is a Petition for (1) reconsideration ("Petition") filed by Black Smith Multi-Media, Inc. ("PBMM"), seeking reconsideration of the staff's February 12, 2014, decision denying ("PBMM") with respect to WAIQ, (Petition) to Deny the application of UA-ASU- TSU Educational Radio Corporation seeking ("NCEC") for a new noncommercial educational ("NCE") FM station in Tuscaloosa, AL ("NCEC Application"), granting the NCEC Application, and dismissing UA-ASU-TSU Educational Radio Corporation for a new NCE FM station in Tuscaloosa, AL ("UA-ASU-TSU Application"):2 and (2) NCEC'S request for waiver of Section

73.3573 of the Commission's Rules "(Rules)", 3 for reasons stated below, dismissed the NCEC Application, and accept for filing PBSMM.

Background Information

WABS Public Broadcasting is a Montgomery, Alabama based not-for-profit 501 (C) 3 public radio station that will provide educational programming services to the Montgomery Metropolitan area of Alabama using the latest most technologically advanced digital broadcasting equipment. The station will be affiliated to National Public Radio (NPR) and will provide its listeners with educational programs, national and local news bulletins, daily talk shows, music, sports, and weather and community information. The company proposed location 1255 Madison Avenue, Montgomery, AL is a part of the Empowerment Zone and Enterprise Community Initiative. The initiative is an interagency effort focused on the creation of self-sustaining, long-term development in distressed rural and urban areas throughout the nation.

This petition warrants consideration:

- Diversity of local Ownership
- In December 2009, Forfeiture Order. See Attached
File No. BRED-20040121ABC
File No. MB-2006414140095
- As of 12/19/2013 Remain Silent Authority & Silent Notification

In conclusion, Black Smith Multi-Media, Inc. argues that the Federal Communication Commission (FCC) should dismiss AU-ASU-TSU Application and accepted for filling Black Smith Multi-Media, Inc. Application. If you have additional questions, please forward to the address above, or I can be reached at 334-286-1771.

Respectfully Submitted,


Sharon E. Black
Black Smith Multimedia, Inc

SEE ATTACHED

BLACK SMITH MULTI-MEDIA, INC.

Legal

DOCUMENTS

STATE OF ALABAMA

DOMESTIC FOR-PROFIT CORPORATION ARTICLES OF INCORPORATION GUIDELINES

INSTRUCTIONS:

STEP 1: CONTACT THE OFFICE OF THE SECRETARY OF STATE AT (334)242-5324 TO RESERVE A CORPORATE NAME.

STEP 2: TO INCORPORATE, FILE THE ORIGINAL, TWO COPIES OF THE ARTICLES OF INCORPORATION AND THE CERTIFICATE OF NAME RESERVATION IN THE COUNTY WHERE THE CORPORATION'S REGISTERED OFFICE IS LOCATED. THE SECRETARY OF STATE'S FILING FEE IS \$40. PLEASE CONTACT THE JUDGE OF PROBATE TO VERIFY FILING FEES.

PURSUANT TO THE PROVISIONS OF THE ALABAMA BUSINESS CORPORATION ACT, THE UNDERSIGNED HEREBY ADOPTS THE FOLLOWING ARTICLES OF INCORPORATION.

- Article I The name of the corporation:
BLACKSMITH MULTI-MEDIA, INC.
- Article II The duration of the corporation is "perpetual" unless otherwise stated.
- Article III The corporation has been organized for the following purpose(s):
FOR PROFIT CORPORATION LAW OF THE STATE OF ALABAMA
EXCLUSIVELY FOR THE ADVANCEMENT OF NATIONAL AND
LOCAL NEWS, SPORTS, WEATHER, EDUCATION AND YOUTH PROGRA
- Article IV The number of shares which the corporation shall have the authority to issue is 10,000.
- Article V The **street address** (NO PO BOX) of the registered office: 6608 CONCORD MEWS,
MONTGOMERY, AL 36116 and the name of the
registered agent at that office: SHARON E. BLACK
- Article VI The name(s) and address(es) of the Director(s):
SHARON E. BLACK, 6608 CONCORD MEWS, MONTGOMERY, AL 3611
ROBERT BLACK, 6608 CONCORD MEWS, MONTGOMERY, AL 3611
SHARON HARDY, 28 FAIRLANE DR, MONTGOMERY, AL 36106
- Article VII The name(s) and address(es) of the Incorporator(s):
BLACKSMITH MULTI-MEDIA, INC.
6608 CONCORD MEWS, MONTGOMERY, AL 36116-5293

Any provision that is not inconsistent with the law for the regulation of the internal affairs of the corporation or for the restriction of the transfer of shares may be added.

IN WITNESS THEREOF, the undersigned incorporator executed these Articles of Incorporation
on this the 13 day of APRIL, 2004.

Printed Name and Business Address of Person Preparing this
Document:

BLACKSMITH MULTI-MEDIA, INC.

Type of Print Name of Incorporator

2004 APR 15 PM 12:18

Signature of Incorporator

CERTIFICATE OF SECRETARY

Note: This applies to Corporations only

I certify that I am the secretary of Blacksmith Multimedia, Inc. and that the following persons hold positions in this corporation and/or own shares in this corporation in the amount and form designated.

1. **DIRECTORS**

(name) Samuel Haynes (Deceased)

(name) Sarah Green

(name) Stanley Vandiver

(name) Sharon Hardy

2. **OFFICERS**

President (name) Sharon Black

Vice President (name) Robert Black

Secretary (name) Sandra Smith

Treasurer (name) Betty Palmer

3. **SHAREHOLDERS**

Name	Number of Shares	% of Company Owned
------	------------------	--------------------


Sharon Black		51%
--------------	--	-----

Robert Black		20%
--------------	--	-----

Stock Market		29%
--------------	--	-----

200,000@/\$20.00 Share		
------------------------	--	--

Date: 12/7/15

By: 
Corporate Secretary

*****Add schedule for additional shareholders if necessary*****

**DOMESTIC BUSINESS CORPORATION
AMENDMENT TO FORMATION/ARTICLES**



CORP 00309 PAGE 0655

PURPOSE: In order to amend a Business Corporation's (formerly known as For-Profit Corporation) Certificate of Formation/Articles of Incorporation under Section 10A-2-10.06 of the Code of Alabama 1975 this Amendment and the appropriate filing fees must be filed with the Office of the Judge of Probate in the county where the corporation was initially formed/incorporated.

INSTRUCTIONS: Mail one (1) signed original and two (2) copies of this completed form and the appropriate filing fees to the Office of the Judge of Probate in the county where the corporation's Certificate of Formation was recorded. Contact the Judge of Probate's Office to determine the county filing fees. Make a separate check or money order payable to the **Secretary of State for the state filing fee of \$50.00** and the Judge of Probate's Office will transmit the fee along with a certified copy of the Amendment to the Office of the Secretary of State within 10 days after the filing is recorded. Once the Secretary of State's Office has indexed the filing, the information will appear at www.sos.alabama.gov under the Government Records tab and the Business Entity Records link – you may search by entity name or number. You may pay the Secretary of State fees by credit card if the county you are filing in will accept that method of payment (see attached). Your Amendment will not be indexed if the credit card does not authorize and will be removed from the index if the check is dishonored.

(For County Probate Office Use Only)

(For County Probate Office Use Only)

This form must be typed or laser printed.

- 1. The name of the corporation from the Certificate of Formation/Articles of Incorporation:**

Blacksmith Multimedia, Inc

2. The date the Certificate of Formation was filed in the county: 04 / 16 / 2004 (format MM/DD/YYYY)

3. The titles, dates, and places of filing of any previous Amendments: None
Attach a listing if necessary.

4. **Alabama Entity ID Number (Format: 000-000):** 234 - 769 **INSTRUCTION TO OBTAIN ID NUMBER TO COMPLETE FORM:** If you do not have this number immediately available, you may obtain it on our website at www.sos.alabama.gov under the Government Records tab. Click on Business Entity Records, click on Entity Name, enter the registered name of the entity in the appropriate box, and enter. The six (6) digit number containing a dash to the left of the name is the entity ID number. If you click on that number, you can check the details page to make certain that you have the correct entity – this verification step is strongly recommended.

(For SOS Use Only)

This form was prepared by: (type name and full address)

Sharon E Black
P.O. Box 201451
Montgomery, AL 36120

DOMESTIC BUSINESS CORPORATION AMENDMENT

[Instruction on Amendment completion: Be very specific about what must be changed if you are amending existing information. If the amendment includes a name change, a copy of the Name Reservation form issued by the Office of Secretary of State must be attached.

Registered agents and registered agent addresses are changed by filing a Change Of Registered Agent Or Registered Office By Entity form directly with the Office of the Secretary of State (the new agent's signature is required agreeing to accept responsibility). You may file the information as an Amendment also, but the change form must be on file with the Secretary of State per 10A-1-3.12(a) (2) to effect the change in the public records database.]

5. The following amendment was adopted on 08 / 16 / 2012 (format MM/DD/YYYY):

Primarily, Television Broadcasting Station for Profit corporation Law of the State of Alabama exclusively for the

Advancement of the National and Local News, sports, Weather, Education and Youth Programs. (Add)

Samuel Haynes (Deceased)-Remove, Sarah Green (Remove), Sharon Hardy (Remove), Sandra Smith (Remove)

Stanley Vandiver, (Remove), Betty A Palmer-Treasury (ADD)

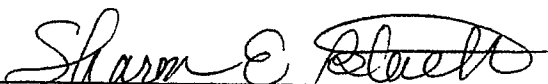
Robert EW Black-President (ADD)& Sharon E Black (CEO)

☐ Additional Amendments and the dates on which they were adopted are attached.

Item 6, 7, or 8 MUST be checked/completed with any appropriate attachments.

6. ☒ The board of directors without shareholder action approved the Amendment. Shareholder action was not required.
7. ☐ The shareholders approved the Amendment. The total number of votes entitled to be cast was _____ (information is required for item a or b). Complete one of the following:
- The total number of votes cast for amendment was _____ and the total number of votes cast against amendment was _____.
 - The total number of undisputed votes cast for amendment was _____ which was a sufficient number of votes to approve amendment.
8. ☐ Amendment by voting groups was required; the information required in item 5 above is provided for each voting group and is attached to and made part of this Domestic Business Corporation Amendment document.

08 / 16 / 2012
Date (MM/DD/YYYY)


Signature as required by 10A-2-1.20

Sharon E Black
Typed Name of Above Signature

Chief Executive Officer (CEO)
Typed Title/Capacity to Sign under 10A-2-1.20



(STATE OF ALABAMA)

COUNTY OF (Montgomery)

ARTICLES OF INCORPORATION

OF

Blacksmith Multimedia, Inc

The undersigned, acting as incorporator of a corporation under the Alabama Business Corporation Act, hereby adopts the following Articles of Incorporation for such corporation:

FIRST: The name of the corporation is Blacksmith Broadcasting

SECOND: The period of its duration is perpetual.

THIRD: The purpose or purposes for which the corporation is organized are:

(a) Primarily, Television Broadcasting Station For-Profit Corporation Law of the State Of Alabama exclusively for The Advancement of the National and Local News, Sports, Weather, Education and Youth Programs.

(b) To buy, sell, own, trade, and otherwise handle and deal in, either as principal or agent, and upon commission or otherwise, all kinds of personal and real property whatsoever, and to render services of all kinds and descriptions.

(c) To transact any and all lawful business for which corporations may be incorporated under the Alabama Business Corporation Act.

FOURTH: The aggregate number of shares which the corporation shall have authority to issue is 200,000 shares of common stock of par value of \$20.00 each; being \$58,000 authorized capital stock. All of said stock shall be common stock and none shall be preferred stock or stock of a different class.

FIFTH: Provisions for the regulations of the internal affairs of the corporation are:

(a) No shareholder of the corporation shall have the pre-emptive right to purchase any number or proportion of shares of any issuance by the corporation of any class of shares.

(b) The corporation shall have the right to purchase, take, receive, or otherwise acquire, hold, own, pledge, and transfer or otherwise dispose of its own shares, to the extent of its unreserved and unrestricted capital surplus available therefore.

(c) The initial By-Laws of the corporation shall be adopted by the shareholders. The power to alter, amend, or repeal the By-Laws or adopt new By-Laws shall be vested in the Board of Directors, provided, however, that the Board of Directors may not alter, amend, or repeal any By-Law establishing what constitutes a quorum at shareholders' meetings.

(d) The Board of Directors may from time to time distribute to the shareholders out of the capital surplus of the corporation a portion of the corporation's assets, in cash or property, in the manner prescribed by and subject to the limitations imposed by the Alabama Business Corporation Act.

SIXTH: The address of the initial registered office of the corporation is: 6608 Concord Mews, Montgomery, AL 36116

Sharon E. Black and the name of the initial registered agent at such address is 6608 Concord Mews Montgomery, Alabama, 36116.

SEVENTH: The number of directors constituting the initial Board of Directors of the corporation is 4 (7). The names and addresses of the persons who are to serve as directors until the first annual meeting of the shareholders or until their successors are elected and shall

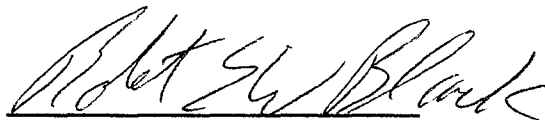
qualify are:

<u>Name</u>	<u>Address</u>
Sharon E. Black	6608 Concord Mews Montgomery, AL 36116
Robert EW Black	6608 Concord Mews Montgomery, AL 36116
Betty A. Palmer	6280 Briarwood lane Montgomery, AL 36116
_____	_____
_____	_____
_____	_____
_____	_____

EIGHTH: The name and address of the incorporator is:

Sharon E. Black	6608 Concord Mews Montgomery, AL 36116
-----------------	----------------------------------------

Dated this 16 day of August, 2012.



By Robert EW Black
President

STATE OF ALABAMA

I, Jim Bennett, Secretary of State of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that

the domestic corporation records on file in this office disclose that Black Smith Multi-Media, Inc. incorporated in Montgomery County, Montgomery, Alabama on June 27, 2001. I further certify that the records do not disclose that said Black Smith Multi-Media, Inc. has been dissolved.



In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, on this day.

March 11, 2002

Date

A handwritten signature in cursive script that reads "Jim Bennett".

Jim Bennett

Secretary of State

Nancy L. Worley
Secretary of State

P.O. Box 5616
Montgomery, AL 36103-5616

STATE OF ALABAMA

I, Nancy L. Worley, Secretary of State of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that pursuant to the provisions of Section 10-2B-4.02, Code of Alabama 1975, and upon an examination of the corporation records on file in this office, the following corporate name is reserved as available:

Blacksmith Multi-Media, Inc.

This domestic corporation name is proposed to be incorporated in Montgomery County and is for the exclusive use of Sharon Black, PO Box 201451, Montgomery, AL 36120 for a period of one hundred twenty days beginning April 9, 2004 and expiring August 8, 2004.



In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, on this day.

April 9, 2004

Date

A handwritten signature in cursive script, reading 'Nancy L. Worley', written over a horizontal line.

Nancy L. Worley

Secretary of State

NUMBER
0

INCORPORATED UNDER THE LAWS OF THE STATE OF ALABAMA

SHARES

BLACKSMITH MULTI-MEDIA INC.

TOTAL AUTHORIZED ISSUE
200,000 SHARES PAR VALUE \$20.00 EACH
PREFERRED STOCK

See Reverse for
Certain Definitions

This is to Certify that _____ is the owner of

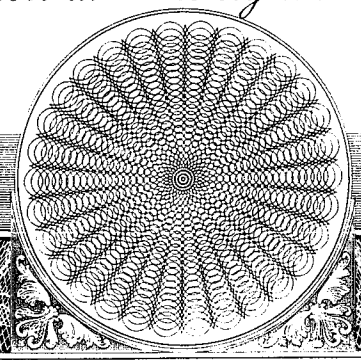
_____ fully paid and
non-assessable shares of the above Corporation transferable only on the books of the
Corporation by the holder hereof in person or by duly authorized Attorney upon
surrender of this Certificate properly endorsed.

Witness, the seal of the Corporation and the signatures of its duly authorized officers.

Dated

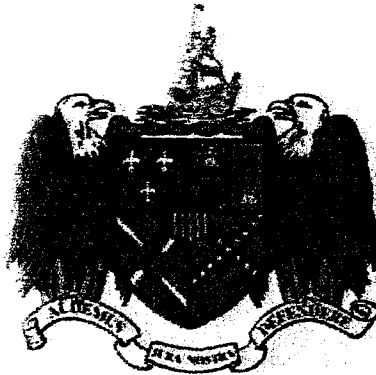
SECRETARY/TREASURER

PRESIDENT



VICE PRESIDENT

THE
ALABAMA DEPARTMENT OF
ECONOMIC AND COMMUNITY AFFAIRS
OFFICE OF MINORITY BUSINESS ENTERPRISE
FOR THE
STATE OF ALABAMA
GOVERNOR ROBERT BENTLEY



Hereby Declares That

BLACKSMITH MULTIMEDIA, INC.
Montgomery, Alabama

**has been certified as a minority woman-owned
business in The State of Alabama.**

Given under my hand, at the City of Montgomery,
this the 22nd day of August in the year of our Lord 2012.


Jim Byard, Jr., Director ADECA

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
UA-ASU-TSU Educational Radio Corporation)	Facility ID No. 6125
)	NAL/Acct. No. MB-2006414140095
Licensee of)	File No. BRED-20040121ABC
Station WAPR(FM))	FRN: 0001752955
Selma, Alabama)	

FORFEITURE ORDER**Adopted: December 4, 2009****Released: December 7, 2009**

By the Chief, Audio Division, Media Bureau:

I. INTRODUCTION

1. In this Forfeiture Order ("Order"), we issue a monetary forfeiture in the amount of one thousand five hundred dollars (\$1,500) to UA-ASU-TSU Educational Radio Corporation ("Licensee"), licensee of Station WAPR(FM), Selma, Alabama ("Station"), for willfully violating Section 73.3539 of the Commission's Rules ("Rules") for its failure to file a timely license renewal application for the Station.¹

II. BACKGROUND

2. On January 29, 2007, the Bureau issued a Notice of Apparent Liability for Forfeiture ("NAL") to Licensee in the amount of one thousand five hundred dollars (\$1,500), for this violation.² Licensee filed a Petition for Reconsideration of the Proposed Forfeiture ("Petition") on February 28, 2007.

3. As noted in the NAL, Licensee's renewal application for the Station's pertinent license term should have been filed on December 1, 2003, four months prior to the Station's April 1, 2004, expiration date.³ Licensee filed the renewal application on January 21, 2004, without explaining the circumstances of the late filing. On January 29, 2007, the staff advised Licensee of its apparent liability for a forfeiture of one thousand five hundred dollars for failure to timely file the Station's renewal application. In response, Licensee filed the subject Petition on February 28, 2007.

4. In support of its Petition, Licensee states that its failure to file properly the renewal applications was (1) inadvertent because it thought it had been properly filed, and (2) may have been the result of technical difficulties in the Commission's electronic filing system, known as CDBS. Licensee asserts that these reasons warrant a cancellation of the assessed forfeiture.

¹ 47 C.F.R. § 73.3539.

² *UA-ASU-TSU Educational Radio Corporation*, Memorandum Opinion and Order and Notice of Apparent Liability, 22 FCC Rcd 1115 (MB 2007).

³ See 47 C.F.R. §§ 73.1020, 73.3539(a).

III. DISCUSSION

5. The forfeiture amount proposed in this case was assessed in accordance with Section 503(b) of the Act,⁴ Section 1.80 of the Rules,⁵ and the Commission's *Forfeiture Policy Statement*.⁶ In assessing forfeitures, Section 503(b)(2)(E) of the Act requires that we take into account the nature, circumstances, extent and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.⁷

6. Licensee asserts that it should be excused from liability because its failure properly to file the renewal application was inadvertent. In support of this assertion, Licensee includes with its Petition a statement from its Director of Engineering, David M. Baughn, who is responsible for all of its FCC application filings.⁸ In his statement, Mr. Baughn indicates that he believed that had electronically filed the Station's renewal application in a timely fashion. Mr. Baughn further explains that on January 21, 2004, he noticed that the Station WAPR(FM) license renewal filing was not reflected in CDBS, and he immediately tried again and succeeded in filing. As the Commission has held, however, violations resulting from inadvertent error or failure to become familiar with the FCC's requirements are willful violations.⁹ In the context of a forfeiture action, "willful" does not require a finding that the rule violation was intentional. Rather, the term "willful" means that the violator knew that it was taking (or in this case, not taking) the action in question, irrespective of any intent to violate the Rules.¹⁰

7. Licensee also asserts that technical difficulties within CDBS may have interfered with the Commission's timely receipt of the renewal application. Licensee argues that the Commission should determine whether the Station's renewal filing was timely made but somehow lost due to the CDBS system problems at the time, and if so, vacate the forfeiture. In support of this claim, Licensee submits: (1) a copy of a *Public Notice*¹¹ released by the Bureau on November 21, 2003, extending the renewal application deadline for Alabama and Georgia radio broadcast licensees by one week due to difficulties with CDBS; and (2) Mr. Baughn's statement detailing his difficulty with filing the Station's application. In his statement, Mr. Baughn explains that he had unusual difficulties with the CDBS system in

⁴ 47 U.S.C. § 503(b).

⁵ 47 C.F.R. § 1.80.

⁶ *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087 (1997), *recon. denied*, 15 FCC Rcd 303 (1999).

⁷ 47 U.S.C. § 503(b)(2)(E).

⁸ See Petition, Exhibit 1.

⁹ See *PJB Communications of Virginia, Inc.*, Memorandum Opinion and Order, 7 FCC Rcd 2088 (1992). See also *Southern California Broadcasting Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, 4387 (1991), *recon. denied*, 7 FCC Rcd 3454 (1992) ("*Southern California*") (stating that "inadvertence ... is at best, ignorance of the law, which the Commission does not consider a mitigating circumstance"); *Standard Communications Corp.*, Memorandum Opinion and Order, 1 FCC Rcd 358, 358 (1986) (stating that "employee acts or omissions, such as clerical errors in failing to file required forms, do not excuse violations").

¹⁰ See *Five Star Parking d/b/a Five Star Taxi Dispatch*, Forfeiture Order, 23 FCC Rcd 2649, 2651 (EB 2008) (declining to reduce or cancel forfeiture for late-filed renewal based on licensee's administrative error); *Southern California*, 6 FCC Rcd at 4387. See also *Domtar Industries, Inc.*, Notice of Apparent Liability for Forfeiture, 21 FCC Rcd 13811, 13815 (EB 2006); *National Weather Networks, Inc.*, Notice of Apparent Liability for Forfeiture, 21 FCC Rcd 3922, 3925 (EB 2006).

¹¹ See *Media Bureau Announces Extension of Certain Filing Deadlines*, Public Notice, 18 FCC Rcd 24370, 24370 (MB 2003) (noting that CDBS users had been experiencing electronic filing difficulties following "planned system upgrade and maintenance activities" and extending the filing deadline to "provide a reasonable opportunity for impacted licensees and CDBS users to timely file [their renewal applications]").

November 2003, and while he cannot determine with certainty the cause, he believes that the Station WAPR(FM) license renewal filing was the “victim of the CDBS problems at the time or of my frustration and confusion caused by the unresponsiveness of the system.”¹² Licensee notes that Mr. Baughn successfully filed other applications for Stations WVUA, Tuscaloosa, Alabama,¹³ WUAL-FM, Tuscaloosa, Alabama,¹⁴ and WQPR(FM), Muscle Shoals, Alabama,¹⁵ within the time extension provided in the *Public Notice*, to show that he was exercising reasonable diligence and taking appropriate steps to accomplish the various renewal filings. This documentation not only fails to substantiate Licensee’s claim that the Commission was responsible for its failure to timely file its renewal application, but in fact, works against it. First, if there were technical difficulties with CDBS, the Bureau compensated for them by extending the renewal application filing deadline via the *Public Notice*. Licensee’s application did not meet this extended deadline.¹⁶ Licensee’s engineer does not claim that he ever received an “error” report from the system when attempting to file the Station’s renewal application. He also does not indicate that he had any difficulty filing Licensee’s other renewal applications. Finally, the screen shot provided by Licensee in an exhibit to its Petition indicates that the Station’s renewal application was “created” in CDBS on November 25, 2003, but was not “filed” until January 21, 2004. This seems to indicate that CDBS was working properly but that Licensee’s engineer failed to complete the filing process by hitting the “File Form” button after he “created” the document.¹⁷ Given these considerations, we can only conclude that it was Licensee that was responsible for the failure to file its renewal application before the filing deadline, rather than some unspecified “glitch” in CDBS.¹⁸

8. We have considered Licensee’s response to the NAL in light of the above statutory factors, our Rules, and the *Forfeiture Policy Statement*. We conclude that Licensee willfully¹⁹ violated Section 73.3539 of the Rules, and that no mitigating circumstances warrant cancellation or further reduction of the proposed forfeiture amount.

IV. ORDERING CLAUSES

9. Accordingly, IT IS ORDERED, pursuant to Section 503(b) of the Communications Act of 1934, as amended, and Sections 0.283 and 1.80 of the Commission’s Rules,²⁰ that UA-ASU-TSU Educational Radio Corporation, SHALL FORFEIT the sum of one thousand five hundred dollars (\$1,500) to the United States for willfully violating Section 73.3539 of the Commission’s Rules.

¹² Petition, Exhibit 1..

¹³ File No. BRED-20031125AKE.

¹⁴ File No. BRED-20031204AGR.

¹⁵ File No. BRED-20031204AGO

¹⁶ See *Dewey D. Lankford*, Forfeiture Order, 24 FCC Rcd 4558, 4560 (MB 2009) (rejecting licensee’s claim that its failure to timely file its application was due to a “glitch” in CDBS).

¹⁷ See Petition, Exhibit 2.

¹⁸ See, e.g., *Union-Carolina Broadcasting Co., Inc.*, Letter, 22 FCC Rcd 14017, 14018 (MB 2007) (rejecting licensee’s argument that its failure to timely file its application was due to technical difficulties in CDBS).

¹⁹ Section 312(f)(1) of the Act defines “willful” as “the conscious and deliberate commission or omission of [any] act, irrespective of any intent to violate” the law. 47 U.S.C. § 312(f)(1). The legislative history of Section 312(f)(1) of the Act clarifies that this definition of willful applies to Sections 312 and 503(b) of the Act, H.R. REP. No. 97-765, 51 (Conf. Rep.), and the Commission has so interpreted the terms in the Section 503(b) context. See *Southern California*, 6 FCC Rcd at 4387-88.

²⁰ 47 U.S.C. § 503(b); 47 C.F.R. §§ 0.283, 1.80.

10. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Commission's Rules within 30 days of the release of this Forfeiture Order. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.²¹ Payment of the proposed forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Acct. No. and FRN No. referenced in the caption above. Payment by check or money order may be mailed to Federal Communications Commission, at P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank—Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number 021030004, receiving bank: TREAS NYC, BNF: FCC/ACV--27000001 and account number as expressed on the remittance instrument. If completing the FCC Form 159, enter the NAL/Account number in block number 23A (call sign/other ID), and enter the letters "FORF" in block number 24A (payment type code).²²

11. IT IS FURTHER ORDERED, that a copy of this Forfeiture Order shall be sent by Certified Mail Return, Receipt Requested, and by First Class Mail to: UA-ASU-TSU Educational Radio Corporation, Box 870370, Phifer Hall, University of Alabama, Tuscaloosa, Alabama 35487, and to its counsel: M. Scott Johnson, Esq., Fletcher, Heald and Hildreth, PLC, 1300 North 17th Street, 11th Floor, Arlington, Virginia 22209.

FEDERAL COMMUNICATIONS COMMISSION

Peter H. Doyle
Chief, Audio Division
Media Bureau

²¹ 47 U.S.C. § 504(a).

²² See 47 C.F.R. § 1.1914.

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Application Search Details

File Number: BLSTA-20140106DNM
Call Sign: WAPR
Facility Id: 6125
FRN: 0001752955
Applicant Name: UA-ASU-TSU EDUCATIONAL RADIO CORPORATION
Frequency:
Channel:
Community of License: SELMA, AL
Silent Since: 12/19/2013
Silent Reason: TECHNICAL
Application Type: REMAIN SILENT AUTHORITY & SILENT NOTIFICATION
Status: DISMISSED
Status Date: 02/24/2014
Expiration Date:
Tolling Code:
Application Service: FM
Disposed Date: 02/24/2014
Accepted Date: 01/07/2014
Last Public Notice:
Last Report Number:
Authorization: Authorization not available
Legal Actions: [View Legal Actions](#)
PN Comment: [Public Notice Comment](#)
Correspondence Folder: [View Correspondence Folder](#)

[FCC Home](#) | [Search](#) | [Updates](#) | [E-Filing](#) | [Initiatives](#) | [For Consumers](#) | [Find People](#)

Please send comments via standard mail to the Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street, S.W., Washington, D.C., 20554. Questions can also be answered by calling the FCC's National Call Center, toll free, at 1-888-Call FCC (1-888-225-5322).

Federal Communications Commission
445 12th Street SW
Washington, DC 20554
[More FCC Contact Information...](#)

Phone: 1-888-CALL-FCC (1-888-225-5322)
TTY: 1-888-TELL-FCC (1-888-835-5322)
Fax: 1-866-418-0232
E-mail: fccinfo@fcc.gov

- [Privacy Policy](#)
- [Website Policies & Notices](#)
- [Required Browser Plug-ins](#)
- [Freedom of Information Act](#)

[FCC Home](#) | [MB](#)**Application Search Details**[FCC](#) > [Media Bureau](#) > [MB-CDBS](#) > [CDBS Public Access](#) > [Application Search](#)[Help](#) [site map](#)

Application Search Details

File Number: BMLEDT-20140212ADQ
Call Sign: WAIQ
Facility Id: 706
FRN: 0014506265
Applicant Name: BLACKSMITH MULTIMEDIA, INC
Frequency:
Channel: 27
Community of License: MONTGOMERY, AL
Application Type: MODIFICATION OF LICENSE
Status: DISMISSED
Status Date: 02/25/2014
Expiration Date:
Tolling Code:
Application Service: DT
DTV Type:
Disposed Date: 02/25/2014
Accepted Date: 02/13/2014
Last Public Notice: 02/28/2014
Last Report Number: 48186
Authorization Authorization not available
Engineering Data [View Engineering Data](#)
Legal Actions [View Legal Actions](#)
PN Comment [Public Notice Comment](#)
Correspondence Folder [View Correspondence Folder](#)

[FCC Home](#) | [Search](#) | [Updates](#) | [E-Filing](#) | [Initiatives](#) | [For Consumers](#) | [Find People](#)

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- [Privacy Policy](#)
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- [Required Browser Plug-ins](#)
- [Freedom of Information Act](#)

THIS
LICENSE
EXPIRES

December 31st

NOTICE

License issued subject
to compliance with all
pertinent city codes.

CITY OF MONTGOMERY
MONTGOMERY, ALABAMA

20



14

No. 10775

LICENSE VALID
ONLY AT LOCATION
INDICATED.
NOT TRANSFERABLE

BUSINESS LICENSE

MAILING NAME AND ADDRESS

BLACK SMITH MULTI MEDIA INC
6608 CONCORD MEWS
MONTGOMERY AL 36116

LOCAL TRADE NAME AND PHYSICAL LOCATION

WABS BROADCASTING STATION
NPL

THE FIRM, CORPORATION, ORGANIZATION, BUSINESS OR PERSON, WHOSE NAME APPEARS ABOVE HAS PAID THE REQUIRED LICENSE FEE AND IS AUTHORIZED TO ENGAGE IN BUSINESS IN MONTGOMERY, ALABAMA AS INDICATED BELOW.

CODE	ACCOUNT NUMBER	LICENSE NUMBER	RECEIPT NUMBER	TYPE OF LICENSE
	4830031	10775		
L515100	RADIO AND TELEVISION STATION			
L000000	WBBS BROADCASTING STATION			

DATE ISSUED

2/28/2014

MONTGOMERY,
ALABAMA

MUST BE POSTED IN AREA ACCESSIBLE TO PUBLIC

Barry O. Crabb

Barry O. Crabb, Director of Finance

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **APR 21 2006**

BLACK SMITH MULTI-MEDIA INC
6608 CONCORD MEWS
MONTGOMERY, AL 36116-5293

Employer Identification Number:
63-1278383
DLN:
17053077832086
Contact Person:
DEL TRIMBLE ID# 31309
Contact Telephone Number:
(877) 829-5500
Public Charity Status:
170(b)(1)(A)(vi)

Dear Applicant:

Our letter dated December 2001, stated you would be exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code, and you would be treated as a public charity, rather than as a private foundation, during an advance ruling period.


Based on the information you submitted, you are classified as a public charity under the Code section listed in the heading of this letter. Since your exempt status was not under consideration, you continue to be classified as an organization exempt from Federal income tax under section 501(c)(3) of the Code.

Publication 557, Tax-Exempt Status for Your Organization, provides detailed information about your rights and responsibilities as an exempt organization. You may request a copy by calling the toll-free number for forms, (800) 829-3676. Information is also available on our Internet Web Site at www.irs.gov.

If you have general questions about exempt organizations, please call our toll-free number shown in the heading.

Please keep this letter in your permanent records.

Sincerely yours,



Lois G. Lerner
Director, Exempt Organizations
Rulings and Agreements

Letter 1050 (DO/CG)

Corporation Data As Of 3/11/2002
For Account Number.....: 554-863

Requested By:

SHARON BLACK

Secretary Of State
Corporations Division
P.O. Box 5616
Montgomery, AL 36103
www.sos.state.al.us
(334) 242-5324

As Filed With The Corporations Section

Domestic N. P.

Black Smith Multi-Media, Inc.

Incorporation Place

Montgomery County

Incorporation Date

06-27-2001

Registered Agent

BLACK, SHARON E
6608 CONCORD MEWS
MONTGOMERY, AL 36116

Principal Address

MONTGOMERY, AL

Nature Of Business

EST A RADIO STATION/JOB TRAINING/JOB PLACEMENT/LAND ACQUISITION

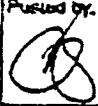
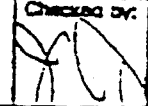
Names Of Incorporators

BLACK, SHARON E

HARDY, SHARON D

BLACK, ROBERT E W

**ARTICLES OF INCORPORATION
OF
Black Smith Multi-Media, Inc.**

#	0554863
Filed by:	Checked by:
	

ONE:

The name of the corporation is **Black Smith Multi-Media, Inc.** The address for the initial registered office is **6608 Concord Mews, Montgomery, AL 36116.** The corporation is pursuant to the **State of Alabama, A Nonprofit Corporation Code.**

TWO:

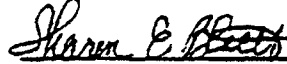
This corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. The corporation is organized under the Nonprofit Public Benefit Corporation Law for; charitable and educational purposes to aid the poor and disadvantaged individuals and families towards a life of self-sufficiency. The programs will consist of but shall not be limited to establishing a radio station, Job Training, Job Placement, Land Acquisition, housing, Employment, Literacy, Counseling, Temporary Shelter, Teenage Pregnancy, Substance Abuse Awareness and Prevention, Tutoring, AIDS Elderly Care and other programs to aid to those in need.

THREE:

The duration of this corporation shall be perpetual, no stock and shall have no members.

FOUR:

The name and address of the registered agent of the corporation shall be:

 (Signature)
Sharon E. Black
6608 Concord Mews
Montgomery, AL 36116

FIVE:

(a) This corporation is organized and operated exclusively for Educational and Charitable purposes within the meaning of Section 501 (C) (3) of the Internal Code.

(b) Not -withstanding any other provision of these Articles, the corporation shall not carry on any other activities not permitted to carry on (1) by corporation exempt from federal income tax under Section 501(C)(3) of the Internal Revenue Code or (2) by a corporation contributions to which are deductible under Section 170 (C)(2) of the Internal Revenue Code.

(1)

RECEIVED

JUL 09 2001

SECRETARY
OF STATE

SIX:

This property is irrevocably dedicated to Charitable and Educational purposes and no part of the net income or assets of the organization shall ever inure to the benefit of any director, officer or member thereof the benefit of any private person.


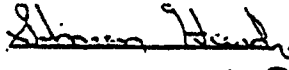
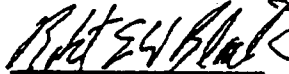
SEVEN:

On the dissolution or winding up of the corporation, its assets remaining after payment of, or provision for payment of, all debts, and liabilities of this corporation, shall be distributed to a nonprofit fund, foundation, or corporation, which is organized and operated exclusively for, Educational and Charitable under Section 501 (C)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government for A public purpose. Any such asset not disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the organization or organizations, as said Court shall determine which are organized and operated exclusively for such purposes.

EIGHT:

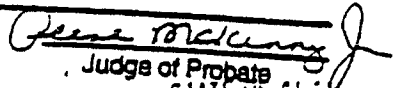
The Directors are elected in accordance with the Bylaws. A director must be 18 years of age. The number of Directors shall be three(3).

Executed on June 20, 2001. The name, signature and residence address of the persons appointed to act as the initial directors and incorporators of this corporations shall be, In Witness Whereof, I have signed these articles and acknowledge same to be my act.

<i>Name</i>	<i>Signature</i>	<i>Address</i>
Sharon E. Black President		6608 Concord Mews Montgomery, AL 36116
Sharon D. Hardy Secretary		28 Fairlane Dr. Montgomery, AL 36106
Robert E.W. Black Treasurer		6608 Concord Mews Montgomery, AL 36116

CERTIFIED COPY

I hereby certify this document was filed in
Montgomery County, Alabama on 6/27/01
Book CORP-229
Page 758


Judge of Probate
STATE OF ALA.
MONTGOMERY CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON

2001 JUN 27 PM 12:37

REESE MCKINNEY, JR.
JUDGE OF PROBATE

INDEX	5
REC FEE	35
CASH	40
ITEM 2	
06-27-01 WED NO	1 CLERK 3500 1

Corporation Data As Of 3/11/2002
For Account Number.....: 554-863

Requested By:

SHARON BLACK

Secretary Of State
Corporations Division
P.O. Box 5616
Montgomery, AL 36103
www.sos.state.al.us
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Incorporation Place

Montgomery County

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6608 CONCORD MEWS
MONTGOMERY, AL 36116

Principal Address

MONTGOMERY, AL

Nature Of Business

EST A RADIO STATION/JOB TRAINING/JOB PLACEMENT/LAND ACQUISITION

Names Of Incorporators

BLACK, SHARON E

HARDY, SHARON D

BLACK, ROBERT E W

Form **872-C**

(Rev. September 1998)

Department of the Treasury
Internal Revenue Service**Consent Fixing Period of Limitation Upon
Assessment of Tax Under Section 4940 of the
Internal Revenue Code**

(See instructions on reverse side.)

OMB No. 1545-0056

To be used with
Form 1023. Submit
in duplicate.

Under section 6501(c)(4) of the Internal Revenue Code, and as part of a request filed with Form 1023 that the organization named below be treated as a publicly supported organization under section 170(b)(1)(A)(vi) or section 509(a)(2) during an advance ruling period.

Black Smith Multi-Media, Inc.

(Exact legal name of organization as shown in organizing document)

**6608 Concord Mews
Montgomery, AL 36116**

(Number, street, city or town, state, and ZIP code)

District Director of
Internal Revenue, or
Assistant
Commissioner
(Employee Plans and
Exempt Organizations)

consent and agree that the period for assessing tax (imposed under section 4940 of the Code) for any of the 5 tax years in the advance ruling period will extend 8 years, 4 months, and 15 days beyond the end of the first tax year.

However, if a notice of deficiency in tax for any of these years is sent to the organization before the period expires, the time for making an assessment will be further extended by the number of days the assessment is prohibited, plus 60 days.

Ending date of first tax year 12-31-2001

(Month, day, and year)

Name of organization (as shown in organizing document)

Black Smith Multi-Media, Inc.

Date

7-14-01

Officer or trustee having authority to sign

Signature ▶

Sharon E. Black

Type or print name and title

Sharon E. Black / President / Owner

For IRS use only

District Director or Assistant Commissioner (Employee Plans and Exempt Organizations)

Director, Exempt Organization**Steven T. Miller**

Date

DEC 20 2001

By ▶

Eaye Ng**(Acting manager for C.E.)****Group Manager**

For Paperwork Reduction Act Notice, see page 1 of the Form 1023 Instructions.

Cat No 16905Q

THE CORPORATION

BY-LAWS

ARTICLE I. OFFICES

SECTION 1. PRINCIPAL OFFICE

The principal office for the transaction of its business is found on page one (1) of number one of the legal document called the Articles of Incorporation.

SECTION 2. CHANGE OF ADDRESS

The county/parish of the corporation's principal office can be changed only by amendment of these Bylaws and not otherwise. The Board of Directors may, however, change the principal office from one location to another within the named county/parish by noting the changed address and effective date below, and such changes of address shall not be deemed an amendment of these Bylaws.

SECTION 3. OTHER OFFICES

The corporation may also have offices at such other places, within or without the State. WHERE IT IS QUALIFIED TO DO BUSINESS, AS ITS BUSINESS MAY REQUIRE and as the Board of Directors may from time to time, designate.

ARTICLE II. PURPOSES

SECTION 1. OBJECTIVES AND PURPOSES

The primary objectives and purposes of this corporation shall be: For Religious, Educational and Charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code. See Articles of Incorporation Page 1, Number TWO.

ARTICLE III. DIRECTORS

SECTION 1. NUMBER

The corporation shall have directors and collectively they shall be known as the Board of Directors. The number may be changed by resolution of this Bylaw, or by repeal of this Bylaw and adoption of a new Bylaw, as provided in these Bylaws.

SECTION 2. POWERS

Subject to the provisions of the State Corporation Law and any limitations in the Articles of Incorporation and Bylaws relating to action required or permitted to be taken or approved by the members, if any, of this corporation, the activities and affairs of this corporation shall be conducted and all powers shall be exercised by or under the direction of the Board of Directors.

SECTION 3. DUTIES

- (a) Perform any and all duties imposed on them collectively or individually by law, by the Articles of Incorporation of this corporation, or by these Bylaws;
- (b) Appoint and remove, employ and discharge, and, except as otherwise provided in these Bylaws, prescribe the duties and fix the compensation, if any, of all officers, agents and employees of the corporation;
- (c) Supervise all officers, agents and employees of the corporation to assure that their duties are performed properly;
- (d) Meet at such times and places as required by these Bylaws;
- (e) Register their addresses with the Secretary of the corporation and notices of meetings mailed or telegraphed to them at such addresses shall be valid notices thereof.

SECTION 4. TERMS OF OFFICE

Each Director shall hold office until the next annual meeting for election of the Board of Directors as specified in these Bylaws, and until his or her successor is elected and qualified.

SECTION 5. COMPENSATION

Directors shall serve without compensation except that they shall be allowed reasonable advancement or reimbursement of expenses incurred in the performance of their regular duties as specified in Section 3 of this Article.

SECTION 6. NON-RESTRICTION REGARDING INTERESTED DIRECTORS

Notwithstanding any other provision of these Bylaws, ALL persons serving on the board may be interested persons.

SECTION 7. PLACE OF MEETINGS

Meetings shall be held at the principal office of the corporation unless otherwise provided by the board or such place within or without the State, which has been designated from time to time by resolution of the Board of Directors. In the absence of such designation, any meeting not held at the principal office of corporation shall be valid only if held on the written consent of all directors given either before or after the meeting and filed with the Secretary of the corporation after all board members have been given written notice of the board. Any meeting regular or special, may be held by conference telephone or similar communications equipment, so as long as all directors participating in such meeting can hear one another.

SECTION 8. REGULAR AND ANNUAL MEETINGS

Regular meetings of Directors shall be held at the discretion of the Chairperson of the board. The annual meeting of the directors will be held at the discretion of the Chairperson of the Board, directors shall be elected by the Board of Directors in accordance with this section. Cumulative voting by directors for the election of directors shall not be permitted. The candidates receiving the highest number of votes up to the number of directors is to be elected. Each director shall cast one vote, with voting being ballot only.

SECTION 9. SPECIAL MEETINGS

Special meetings of the Board of Directors may be called by the Chairperson of the board, the President, the Vice-President, the Secretary, or by any two directors, and such meetings shall be held at the place, within or without the State designated by the person or persons calling the meeting, and in the absence of such designation, at the principal office of the corporation.

SECTION 10. NOTICE OF MEETINGS

Regular meetings of the board may be held without notice. Special meetings of the board shall be held upon four (4) days notice by first-class mail or forty-eight (48) hours notice delivered personally or by telephone or telegraph. If sent by mail or telephone, the notice shall be deemed to be delivered on its deposit in the mail or on its delivery to the telegraph company. Such notices shall be addressed to each director at his or her address as shown on the books of the corporation. Notices of the time and place of holding and adjourned meeting need not be given to the corporation. Notice of the time and place of holding an adjourned meeting are fixed at the meeting adjourned and if such adjourned meeting is held no more than twenty-four (24) hours from the time of the original meeting. Notice shall be given of any adjourned regular or special meeting to directors absent from the original meeting if the adjourned meeting is held more than twenty-four (24) hours from the time of the original meeting.

SECTION 11. CONTENTS OF NOTICE

Notice of meeting not herein dispensed with shall specify the place, day, and hour of meetings. The purpose of any board meeting need not be specified in the notice.

SECTION 12.

WAIVER OF NOTICE AND CONSENT TO HOLDING MEETINGS

The transactions of any meeting of the board however called and noticed or where held, are as valid as though the meeting had been duly held after proper call and notice, provided a quorum, as hereinafter defined, is present and provided that either before or after the meeting each director not present signs a

waive of notice, a consent to holding the meeting, or an approval of the minutes thereof. All such waivers, consents, or approvals shall be filed with the corporate records or made a part of the minutes of the meeting.

SECTION 13. QUORUM FOR MEETINGS

A quorum shall consist of 3 Directors. Except as otherwise provided in these Bylaws or in the Articles of Incorporation of this corporation, or by law, no business shall be considered by the board at any meetings at which a quorum, as hereinafter defined, is not present, and the only motion which the Chair shall entertain at such meetings is a motion to adjourn. However, a majority of the directors present at such meeting may adjourn from time to time until the time fixed for the next regular meeting of the board.

When a meeting is adjourned for lack of a quorum, it shall not be necessary to give any notice of the time and place of the adjourned meeting or of the business to be transacted at such meeting, other than by announcement at the meeting at which the adjournment is taken, except as provided in Section 10 of this Article.

The directors present at a duly called and held meeting at which a quorum is initially present may continue to do business notwithstanding the loss of a quorum at the meeting due to a withdrawal of directors from the meeting, provided that any action thereafter taken must be approved by at least a majority of the required quorum for such meeting or such greater percentage as may be required by law, or the Articles of Incorporation or Bylaws of this corporation.

SECTION 14. MAJORITY ACTION AS BOARD ACTION

Every act of decision done or made by a majority of the directors present at a meeting duly held at which a quorum is present is the act of the Board of Directors unless the Articles of Incorporation or Bylaws of this corporation, or provisions of the State Non-profit Corporation Law, particularly those provisions relating to appointment of committees, approval of contracts or transactions in which a director has a material, financial interest and indemnification of directors, require a greater percentage or different voting rules for approval of a matter by the board.

SECTION 15. CONDUCT OF MEETINGS

Meetings of the Board of Directors shall be presided over by the Chairperson of the board, or if no such person has been so designated or, in his or her absence, the President of the corporation or, in his or her absence, by the Vice-President of the corporation, or in the absence of each of these persons, by a Chairperson chosen by a majority of the directors present at the meetings. The Secretary of the corporation shall act as secretary of all meetings of the board, provided that, in his or her absence, the presiding officer shall appoint another person to act as Secretary of the meeting.

Meetings shall be governed by Robert's Rules of order as such rules may be revised from time to time, insofar as such rules are not inconsistent with or in conflict with these Bylaws, with the Articles of Incorporation of this corporation, or with provisions of law.

SECTION 16.

ACTION BY UNANIMOUS WRITTEN CONSENT WITHOUT MEETING

Any action required or permitted to be taken by the Board of Directors under any provision of law may be taken without a meeting, if all members of the board shall individually or collectively consent in writing to such action. Such written consent or 5 consents shall be filed with the minutes of the proceedings of the board.

Such action by written consent shall have the same force and effect as the unanimous vote of the directors. Any certificate or other document filed under any provision of law which relates to action so taken shall state that the action was taken by unanimous written consent of the Board of Directors without a meeting and that the Bylaws of this corporation authorize the directors to so act, and such statement shall be prima facie evidence of such authority.

SECTION 17. VACANCIES

Vacancies of the Board of Directors shall exist (1) on the death, resignation or removal of any director, and (2) whenever the number of authorized directors is increased.

The Board of Directors may declare vacant the office of a director who has been declared of unsound mind by a final order of court, or convicted of a felony, or has

been found by a final order or judgment of any court to have breached any duty.

Any director may resign effective upon giving written notice to the Chairperson of the Board, the President, the Secretary, or the Board of Directors, unless the notice specifies a later time for the effectiveness of such resignation. No director may resign if the corporation would then be left without a duly elected director or directors in charge of its affairs, except upon notice to the Attorney General.

Vacancies on the board may be filled by approval of the board, or if the number of directors then in office is less than quorum, by (1) the unanimous written consent of the directors then in office, (2) the affirmative vote of a majority of the directors then in office at a meeting held pursuant to notice or waivers of notice complying with this article of the Bylaws, or (3) a sole remaining director. A person elected to fill a vacancy as provided by this section shall hold office until the next annual election of the Board of Directors, office.

SECTION 18. NON-LIABILITY OF DIRECTORS

The directors shall not be personally liable for the debts, liabilities, or other obligations of the corporation.

SECTION 19. INSURANCE FOR CORPORATE AGENTS

The board of directors may adopt a resolution authorizing the purchase and maintenance of insurance on behalf of the agent of the corporation (including a director, officer, employee or other agent of the corporation) against any liability other than for violating the provisions of the law relating to self-dealing asserted against or incurred by the agent in such capacity or arising out of the agent's status as such, whether or not the corporation would have the power to indemnify the agent such liability under the provisions of the State Nonprofit Corporation Law.

ARTICLE IV. OFFICERS

SECTION 1. NUMBER OF OFFICERS

The officers of the corporation shall be a President, Vice-President, a Secretary, and a Chief Financial Officer who shall be designated the Treasurer. The

corporation may have also, as determined by the Board of Directors, a Chairperson of the Board, one or more Vice-Presidents, Assistant Secretaries, Assistant Treasurers, or other officers. Any number of offices may be held by the same person except that neither the Secretary nor the Treasurer may serve as the President or Chairperson of the Board.

SECTION 2. QUALIFICATION, ELECTION, AND TERM OF OFFICE

Any person may serve as officer of this corporation. Officers shall be elected by the Board of Directors, at any time, and each officer shall hold office until he or she resigns or is removed or is otherwise disqualified to serve, or until his or her successor shall be elected and qualified, whichever occurs first.

SECTION 3. SUBORDINATE OFFICERS

The Board of Directors may appoint such other officers or agents as it may deem desirable, and such officers shall serve such terms, have such authority, and perform such duties as may be prescribed from time to time by the Board of Directors.

SECTION 4. REMOVAL AND RESIGNATION

Any officer may be removed, either with or without cause, by the Board of Directors, at any time. Any officer may resign at any time by giving written notice to the Board of Directors or to the President or Secretary of the corporation. Any such resignation shall take effect at the date of receipt of such notice or at any later date specified therein, and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. The above provisions of this section shall be superseded by any conflicting terms of a contract which has been approved or ratified by the Board of Directors relating to the employment of any officer of the corporation.

SECTION 5. VACANCIES

Any vacancy caused by death, resignation, removal, disqualification, or otherwise of any officer shall be filled by the Board of Directors. In the event of a vacancy in any office other than that of President, such vacancy may be filled temporarily by appointment by the President until such time as the Board shall fill the vacancy. Vacancies occurring in offices of officers appointed at the discretion of the board

may or may not be filled as the board shall determine.

SECTION 6. DUTIES OF PRESIDENT

The President shall be the chief executive officer of the corporation and shall, subject to the control of the Board of Directors, supervise and control the affairs of the corporation and the activities of the officers. He or she shall perform all duties incident to his or her office and such other duties as may be required by law, by the Articles of Incorporation., or by these Bylaws, or which may be prescribed from time to time by the Board of Directors. Unless another person is specifically appointed as Chairperson of the Board of Directors, he or she shall preside at all meetings of the Board of Directors. If applicable, the President shall preside at all meetings of the members. Except as otherwise, expressly provided by law, by the Articles of Incorporation, or by these Bylaws, he or she shall, in the name of the corporation, execute such deeds, mortgages, bonds, contracts, checks, or other instruments which may from time to time be authorized by the Board of Directors.

SECTION 7. DUTIES OF VICE-PRESIDENT

In the absence of the President, or in the event of his or her inability or refusal to act, the Vice-President shall perform all the duties of the President, and when so acting shall have all the powers of, and be subject to all the restrictions on, the President. The Vice- President shall have other powers and perform such other duties as may be prescribed by law, by the Articles of Incorporation, or by these Bylaws, or as may be prescribed by the Board of Directors.

SECTION 8. DUTIES OF SECRETARY

The Secretary shall: Certify and keep at the principal office of the corporation the original, or a copy of these Bylaws as amended or otherwise altered to date. Keep at the principal office of the corporation or at such other place as the board may determine, a book of minutes of all meetings of the directors, and, if applicable, meetings of the committees of directors, and of members, recording therein the time and place of holding, whether regular or special, how called, how notice thereof was given, the names of those present or represented at the meetings, and the proceedings thereof. See that all notices are duly given in accordance with the provisions of these Bylaws or as required by law.

Be custodian of the records and of the seal of the corporation and see that the seal is affixed to all duty executed documents, the execution of which on behalf of the corporation under its seal is authorized by law or these Bylaws.

Keep at the principal office of the corporation, a membership book containing the name and address of each and any members, and, in the case where any membership book together with the date on which such membership ceased.

Exhibit at all reasonable times to any director of the corporation, or to his or her agent or attorney, on request therefore, the Bylaws, the membership book, and the minutes of the proceedings of the directors of the corporation.

In general, perform all duties incident to the office of Secretary and such other duties as may be required by law, by the Articles of Incorporation of this corporation, or by the Bylaws, or which may be assigned to him or her from time to time by the Board of Directors.

SECTION 8. DUTIES OF TREASURER

Subject to the provisions of these Bylaws, relating to the "Execution of Instruments, Deposits of funds" the Treasurer shall:

Have charge and custody of, and be responsible for, all funds and securities of the corporation, and deposit all funds in the name of the corporation in such banks, trust companies, or other depositories as shall be selected by the Board of Directors.

Receive, and give receipt for, moneys due and payable to the corporation from any source whatsoever.

Disburse, or cause to be disbursed, the funds of the corporation as may be directed by the Board of Directors, taking proper vouchers for such disbursements.

Keep and maintain adequate and correct accounts of the corporation's properties and business transactions, including accounts of its assets, liabilities, receipts disbursements, gains and losses. Exhibit at all reasonable times the books of account and financial records to any director of the corporation, or to his or her agent or attorney, on request thereof.

Render to the President and directors, whenever requested, an account of any or all of his or her transactions as Treasurer and of the financial condition of the corporation.

Prepare, or cause to be prepared, and certify, or cause to be certified, the financial statements to be included in any required reports.

In general perform all duties incident to the office of Treasurer and such other duties as may be required by law, by the Articles of Incorporation of the corporation, or by these Bylaws, or which may be assigned to him or her from time to time by the Board of Directors.

SECTION 10. COMPENSATION

The salaries of the officers, if any, shall be fixed from time to time by resolution of the Board of Directors, and no officers shall be prevented from receiving such salary by reason of the fact that he or she is also a director of the corporation.

ARTICLE V. COMMITTEES

SECTION 1. EXECUTIVE COMMITTEE

The Board of Directors may, by a majority vote of directors, designate one (1) or more of its members (who may also be serving as officers of this corporation) to constitute an Executive Committee and delegate to such Committee any of the powers of authority of the board in the management of the business and affairs of the corporation, except with respect to:

- (a) The approval of any action which, under law or the provisions of these Bylaws, requires the approval of the Board of Directors.
- (b) The filling of vacancies on the board or on any committee which has the authority of the board.
- (c) The fixing of compensation of the directors for serving on the board or on any committee.
- (d) The amendment or repeal of Bylaws or the adoption of new Bylaws.
- (e) The amendment or repeal or any resolution of the board which by its express terms is not so amendable or repeatable.
- (f) The appointment of committees of the board or the members thereof.
- (g) The expenditure of corporation funds to support a nominee for director after there are more people nominated for director than can be elected.

SECTION 2. OTHER COMMITTEES

The corporation shall have such other committees as may from time to time be designated by resolution of the Board of Directors. Such other committees may consist of persons who are not also members of the board. These additional committees shall act in an advisory capacity only to the board and shall be clearly titled as "advisory" committees.

SECTION 3. MEETINGS AND ACTION OF COMMITTEES

Meetings and action of committees shall be governed by, noticed, held, and taken in accordance with the provisions of these Bylaws concerning meetings of the Board of Directors, with such changes in the context of such Bylaws provisions as

are necessary to substitute the committee and its members for the Board of Directors and its members, except that the time for regular meetings of committees may be fixed by resolution by the Board of Directors or by the committee. The time for special meetings of committees may also be fixed by the Board of Directors. The Board of Directors may also adopt rules and regulations pertaining to the conduct of meetings of committees to the extent that such rules and regulations are not inconsistent with the provision of these Bylaws.

ARTICLE VI. EXECUTION OF INSTRUMENTS, DEPOSITS, AND FUNDS

SECTION 1. EXECUTION OF INSTRUMENTS

The Board of Directors, except as otherwise provided in these Bylaws, may by resolution authorize any officer or agent of the corporation to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation, and such authority may be general or confined to specific instances. Unless so authorized, no officer, agent, or employee shall have any power of authority to bind the corporation by any contract or engagement or to pledge its credit or to render it liable monetarily for any purpose or in any amount.

SECTION 2. CHECKS AND NOTES

Except as otherwise specifically determined by resolution of the Board of Directors, or as otherwise required by law, checks, drafts, promissory notes, orders for the payment of money and other evidence of indebtedness of the corporation shall be signed by the Treasurer and countersigned by the President of the corporation.

SECTION 3. DEPOSITS

All funds of the corporation shall be deposited from time to time to the credit of the corporation in such banks, trust companies, or other depositories as the Board of Directors may select.

SECTION 4. GIFTS

The Board of Directors may accept on behalf of the corporation any contribution,

gift, bequest, or devise for the charitable or public purposes of this corporation.

ARTICLE VII.

CORPORATE RECORDS, REPORTS, AND SEAL

SECTION 1. MAINTENANCE OF CORPORATE RECORDS

The corporation shall keep at its principal office in the State:

- (a) Minutes of all meetings of directors, committees of the board and, if this corporation has members, of all meeting of members, indicating the time and place of holding such meetings, whether regular or special, how called, the notice given, and the names of those present and the proceedings thereof;
- (b) Adequate and correct books and records of account, including accounts of its properties and business transactions and accounts of its assets, liabilities, receipts, disbursements, gains and losses;
- (c) A record of its members, if any, indicating their names and addresses and, if applicable, the class of membership held by each member and the termination date of any membership;
- (d) A copy of the corporation's Articles of Incorporation and Bylaws as amended to date, which shall be open to inspection by the members, if any, of the corporation at all reasonable times during office hours.

SECTION 2. CORPORATE SEAL

The Board of Directors may adopt, and at will alter, a corporate seal. Such seal shall be kept at the principal office of the corporation. Failure to affix the seal to corporate instruments, however, shall not affect the validity of any such instrument.

SECTION 3. DIRECTOR'S INSPECTION RIGHTS

Every director shall have the absolute right at any reasonable time to inspect and copy all books, records and documents of every kind and to inspect the physical properties of the corporation.

SECTION 4. RIGHT TO COPY AND MAKE EXTRACTS

Any inspection under the provision of this Article may be made in person or by

agent or attorney and the right to inspecting includes the right to copy and make extracts.

SECTION 5. ANNUAL REPORT

The board shall cause an annual report to be furnished not later than one hundred and twenty (120) days after the close of the corporation's fiscal year to all directors of the corporation, and if this corporation has members, to any member who requests it in writing, which report shall contain the following information in appropriate detail:

- (a) The assets and liabilities, including the trust funds, of the corporation as of the end of the fiscal year.
- (b) The principal changes in assets and liabilities, including trust funds, during the fiscal year;
- (c) The revenue or receipts of the corporation, both unrestricted and restricted to particular purposes, for the fiscal year;
- (d) The expenses or disbursements of the corporation, for both general and restricted purposes, during the fiscal year;
- (e) Any information required by Section 7 of this Article. The annual report shall be accompanied by any report thereon of independent accountants, or if there is no such report, the certificate of an authorized officer of the corporation that such statements were prepared without audit from the books and records of the corporation mailed or telegraphed to them at such addresses shall be valid notices thereof.

SECTION 4. TERMS OF OFFICE

Each Director shall hold office until the next annual meeting for election of the Board of Directors as specified in these Bylaws, and until his or her successor is elected and qualified.

If this corporation has members, then, if this corporation receives TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), or more in gross revenues or receipts during the fiscal year, this corporation shall automatically send the above annual report to all members, in such manner, at such time, and with such contents, including an accompanying report from independent accountants or certification of a corporate officer, as specified by the above provisions of this section relating to the annual report.

SECTION 5. ANNUAL STATEMENT OF SPECIFIC TRANSACTIONS

This corporation shall mail or deliver to all directors and any and all members a statement within one hundred and twenty (120) days after the close of its fiscal year which briefly describes the amount and circumstances of any indemnification or transaction of the following kind;

- (a) Any transaction in which the corporation, or its parent or its subsidiary, was a party, and in which either of the following has a direct or indirect material financial interest.
- (b) Any director or officer of the corporation, or its parent or subsidiary (a mere common directorship shall not be considered a material financial interest);
- or
- (c) Any holder of more than ten percent (10%) of the voting power of the corporation, its parent or its subsidiary.

The above statement need only be provided with respect to a transaction during the previous fiscal year involving more than FIFTY THOUSAND DOLLARS (\$50,000.00) or which was one of a number of transactions with the same persons involving, in the aggregate, more than FIFTY THOUSAND DOLLARS (\$50,000.00).

Similarly, the statement need only be provided with respect to indemnification or advances aggregating more than TEN THOUSAND DOLLARS (\$10,000.00) paid during the previous fiscal year to any director or officer, except that no such statement need be made if such indemnification was approved by the members pursuant to the State Nonprofit Corporation Law. Any statement required by this Section shall briefly describe the names of the interested persons involved in such transactions, stating each person's relationship to the corporation, the nature of such person's interest in the transaction and, where practical, the amount of such interest, provided that in the case of a transaction with a partnership of which such person is partner, only the interest of the partnership need be stated. If this corporation has any members and provides all members with an annual report according to the provisions of Section 6 of this Article, then such annual report shall include the information required by this Section.

**ARTICLE VIII.
FISCAL YEAR**

SECTION 1. FISCAL YEAR OF THE CORPORATION

The fiscal year of the corporation shall begin on January 1 of each year and shall end on December 31 in each year.

**ARTICLE IX.
AMENDMENT OF BYLAWS**

SECTION 1. AMENDMENT

Subject to any provisions of law applicable to the amendment of Bylaws of public benefit nonprofit corporation, these Bylaws, or any of them, may be altered, amended, or repealed and new Bylaws adopted as follows:

- (a) Subject to the power of members, if any, to change or repeal these Bylaws under Section 5150 of the Corporations Code, by approval of the Board of Directors unless the Bylaw amendment would materially and adversely affect the rights of members, in any, as to voting or transfer, provided, however, if this corporation has admitted any members, then a Bylaw specifying or changing the fixed number of directors of the corporation, the maximum or minimum number of directors, or changing from a fixed to a variable board or vice versa, may not be adopted, amended, or repealed except as provided in subparagraph (b) of this Section; or
- (b) By approval of the directors, if any, of this corporation.

**ARTICLE X.
AMENDMENT OF ARTICLES**

SECTION 1. CERTAIN AMENDMENTS

Notwithstanding the above Sections of this Article, this corporation shall not

amend its Articles of Incorporation to alter any statement which appears in the original Articles of Incorporation and of the names and addresses of the first directors of this corporation nor the names and addresses of its initial agent, except to correct an error in such statement or to declare either statement after the corporation has filed a "Statement by a Domestic Non-Profit Corporation" pursuant to the State Non-profit Corporation Law.

ARTICLE XI.
PROHIBITION AGAINST SHARING CORPORATE PROFITS AND ASSETS

**SECTION 1. PROHIBITION AGAINST SHARING CORPORATE PROFITS
AND ASSETS**

No director, officer, employee, or other person connected with this corporation, or any private individual, shall receive at any time of the net earnings or pecuniary profit from the operations of the corporation, provided, however, that this provision shall not prevent payment to any such person or reasonable compensation for services performed for the corporation in effecting any of its public or charitable purposes, provided that such compensation is otherwise permitted by these Bylaws is fixed by resolution of the Board of Directors; and no such person or persons shall be entitled to share in the distribution of, and shall not receive, any of the corporate assets on dissolution of the corporation. All members, if any, of the corporation shall be deemed to have expressly consented and agreed that on such dissolution or winding up of the affairs of the corporation, after all debts have been satisfied, shall be distributed as required by the Articles of Incorporation of this corporation and not otherwise.

ARTICLE XII.
MEMBERS

SECTION 1. DETERMINATION OF MEMBERS

If this corporation makes no provision for members, then pursuant to the Nonprofit Corporation Law of the State, any action which would otherwise, under law or the provisions of the Article of Incorporation or Bylaws of this corporation, required approval by a majority of all members or approval by the members, shall only require the approval of the Board of Directors.



STATE OF ALABAMA
ALABAMA HISTORICAL COMMISSION
468 SOUTH PERRY STREET
MONTGOMERY, ALABAMA 36130-0900

FRANK W. WHITE
EXECUTIVE DIRECTOR

TEL: 334-242-3184
FAX: 334-240-3477

May 10, 2013

Sharon Black
Blacksmith Multimedia, Inc.
P.O. Box 201451
Montgomery, Alabama 36120

Re: AHC 13-0778
Acquisition & Use of Existing APT Facility
City of Montgomery
Montgomery County, Alabama

Dear Ms. Black:

Upon review of the information forwarded by your office, we have determined that we concur with the acquisition and use of the existing Alabama Public Television facility in Montgomery. However, if any physical changes are proposed for the exterior of the site, consultation with our office will be necessary.

We appreciate your efforts on this project. Should you have any questions, please contact Greg Rhinehart at (334) 230-2653 or by e-mail at Greg.Rhinehart@preserveala.org. Please have the AHC tracking number referenced above available and include it with any correspondence.

Truly yours,

Elizabeth Ann Brown
Deputy State Historic Preservation Officer

EAB/GCR/gcr



**ALABAMA HISTORICAL COMMISSION
STATE HISTORIC PRESERVATION OFFICE
SECTION 106 PROJECT REVIEW CONSULTATION FORM**

The Alabama State Historic Preservation Office needs to know if your project will affect historic structures or archaeological sites, a requirement under Section 106 of the National Historic Preservation Act of 1966 (as amended). Regulations provide 30 days from receipt for us to respond to your submission. We strive to clear all projects with the information provided, but sometimes additional information is necessary--please refer to the checklist on page 2 of this form to insure all basic information has been provided. For further information, refer to our website: www.preserveala.org and follow the links to regulatory assistance.

Starting project activities before you receive a response from us will delay your project, or could cause you to lose funding.

PROJECT NAME WABS Public Broadcasting

FEDERAL AGENCY PROVIDING FUNDS, LICENSE, OR PERMIT National Endowment for the Humanities

APPLICANT Blacksmith Multimedia, Inc

TELEPHONE 334-286-1771

CONTACT PERSON Sharon Black

TELEPHONE 334-286-1771

CONTACT EMAIL ssbrb1235@aol.com

ADDRESS FOR RESPONSE Sharon Black

Blacksmith Multimedia, Inc
P. O. Box 201451
Montgomery, AL 36120

PROJECT LOCATION

STREET ADDRESS 1255 Madison Avenue

CITY Montgomery

COUNTY Montgomery

NUMBER OF ACRES IN PROJECT AREA 15.548

USGS TOPOGRAPHIC MAP QUADRANGLE NAME (see map requirements on Page 2)

SECTION: 7

TOWNSHIP: 16N

RANGE: 18E

YEAR OF QUAD: 1983

PROJECT DESCRIPTION

Describe the overall project in DETAIL. Be sure to note if there will be any ground disturbing activities or if the project will include the demolition of existing buildings. If the project involves rehabilitation, describe the proposed work in detail. Use additional pages if necessary.

T16N, R18E Commencing at the northwest corner of the southwest 1/4 of Section 8, T16N, R18E; thence along the east section line of Section 7, T16N, R18E, North 00° 02' 00" W, 640.43 feet to a point on the Southerly right-of-way line of the Upper Wetumpka Road; thence N 89° 30' 16" W along the half section line of section line of Section 7, T16N, R18E, a distance of 146.39 feet to a railroad iron being a point on the easterly right-of-way of the Central of Georgia Railroad and the point of beginning; thence N 89° 30' 16" W along the half section line of Section 7, T16N, R18E, also being the northerly right-of-way line of the Central of Georgia Railroad, a distance of 41.38 feet to a point on the easterly right-of-way line of the Central of Georgia Railroad; thence N 29° 36' 48" W along the easterly right-of-way line of the Central of Georgia Railroad a distance of 588.18 feet to a point on the southerly right-of-way line of the Upper Wetumpka Road; thence N 75° 04' 15" E along the southerly right-of-way line of Upper Wetumpka Road a distance of 494.74 feet to a point on the east section line of Section 7, T16N, R18E; thence N 76° 57' 45" E along the southerly right-of-way line of Upper Wetumpka Road a distance of 414.29 feet to a point; thence S 00° 12' 11" W a distance of 105.0 feet to a point thence N 88° 16' 13" E a distance of 100.0 feet to a point on the west property line of the Aronov Plat; thence S 00° 17' 17" W a distance of 630.52 feet along the west property line of the Aronov Plat to a point on the southerly of 16.59 feet along the southerly property line of the Aronov Plat to a point on the west property line of the Loeb Plat; thence S 01° 48' 25" E a distance of 224.91 feet along the west property line of the Loeb Plat to a point on the north right-of-way line of Madison Avenue; (continuation /additional page attached)

Project Description (Continuation)

thence N 89° 57' 20" W along the north right-of-way line of Madison Avenue a distance of 538.74 feet to the easterly right-of-way line of the Central of Georgia Railroad; thence N 29° 26' 46" W along the easterly right-of-way line of the Central of Georgia Railroad a distance of 264.24 feet to a railroad iron and said point of beginning. Above described property is lying and situated in the east half of Section 7 and west half of Section 8, T16N, R18E, Montgomery County, Alabama, and contains 15.548 acres, more or less.

Maps of the site are attached.

ARCHAEOLOGY (Ground Disturbing Activities)

Has the ground in the project area been disturbed other than by agriculture (i.e. grading, grubbing, clear cutting, filling, etc.)?

☐ Yes ☒ No ☐ Don't Know ☐ N/A

- If yes, please describe in detail. Use additional pages if necessary. Photographs are helpful.

Describe the present use and condition of the property. Use additional pages if necessary.
The site has been used as a television station in the past. (See photo's attached)

To your knowledge, has a cultural resource assessment been conducted in the proposed project area?

☒ Yes ☐ No ☐ Don't Know ☐ N/A

- If yes, enclose a copy of the archaeologist's report.

STANDING STRUCTURES (Buildings, bridges, etc.)

Are there any standing structures at least 50 years old or older within, near, or adjacent to the project area?

☒ Yes ☐ No ☐ Don't Know ☐ N/A

If yes, please provide photographs of all structures. NOTE: See photography requirements on this page.

How will the project impact the structure(s)? (e.g. rehabilitation, relocation, demolition, encroachment, etc.)
It will not impact the structure due to the location and distance of building.

Provide a brief history of the building(s), including construction dates and building uses. Use additional pages if necessary.

St. John Episcopal Church is the oldest Episcopal parish in Montgomery organized in 1834 by a small group of pioneer settlers. St. John's was closed in 1865 with all the other Episcopal churches in Alabama, by order of the Union Army then reopened in 1866. (continuation/additional page attached)

ADDITIONAL REQUIREMENTS

Map Requirements: Attach a clearly labeled, color copy of the relevant portion of the USGS topographic map indicating the precise location and/or boundaries of the project. Be sure to include the name of the quad sheet from which it came. The location of standing structures at least 50 years old or older must be indicated on the map. (Go to www.terraser.com and insert the project's location information. You may enter lat/long or street address, then click "Go". When your results appear, click "Topo Map". When your map appears, click "Print", then print from your browser. Be sure to mark your project area on this map.)

Photography Requirements: Provide clear photographs (minimum 3" X 5"). Polaroids, photocopies, or faxed photos are not acceptable. Take more photographs, rather than fewer, for quick project review. Photos of all sides of a structure, nearby buildings, and outbuildings to make reviewing easier. All photographs should be labeled and keyed to your map.

CHECKLIST: Did you provide the following information?

<input checked="" type="checkbox"/> Detailed description of proposed project	<input checked="" type="checkbox"/> Description of present use and condition of the project area
------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------

<input checked="" type="checkbox"/> Portion of USGS Topographic Map with project area indicated and standing structures identified	<input checked="" type="checkbox"/> Photographs of current site conditions & all standing structures
------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------

<input checked="" type="checkbox"/> Other supporting documents (if necessary to explain the project)	<input type="checkbox"/> For new construction, rehabilitations, etc., attach work plans, drawings, etc.
------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------

Return this Form and Attachments to:

**Alabama Historical Commission
Attn: Section 106 Review
468 S. Perry Street
Montgomery, Alabama 36130-0900**

Standing Structures (Continuation)

Despite the devastation of the region's economy by the Civil War and Reconstruction (its aftermath), the parish continued to thrive. By 1869, the small church on Jefferson Street was torn down and its bricks used to build the present chancel and sanctuary. In 1918 the church was closed when a deadly epidemic of Spanish influenza broke out at the post and spread to Montgomery. Over the next two decades, the Chapel was lent to other denominations—the Lutherans and the Orthodox Greeks—as a meeting place.

During World War II the church served military men and the community-at-large. St. John Episcopal Church served as a headquarters for a handicapped children's clinic, a school for the deaf, and a Red Cross distribution center for clothing to tornado refugees in 1945.

Although the church did not take an active part in the Civil Rights Movement, St. John's provided a safe and secure place of worship for the community.

- Survey number: HABS AL-643
- Building/structure dates: 1855 Initial Construction; 1869 Subsequent Work; 1906 Subsequent Work
- National Register of Historic Places NRIS Number: 75000326



ASSESSMENT RECORD - 2013

 Tel:
 Printed On: 4/16/2013

PARCEL: 10 03 07 1 010 001.000
 CORPORATION: I
 OWNER: CITY OF MONTGOMERY
 ADDRESS: ATTN: WALTER BYARS
 PO BOX 668
 MONTGOMERY, AL 36101-0668
 EXEMPT CODE: E []
 OVER 65 CODE: DISABILITY CODE: MUN CODE: 02 MONTGOMERY CITY
 PROP. CLASS: 2 [] EXM OVERRIDE AMT: \$0
 OVR ASD VALUE: SCHOOL DIST: 2 HS YEAR: 0
 CLMNT:

LAND VALUE 10% \$0
 LAND VALUE 20% \$0
 CU VALUE [DEACTIVATED]
 LV 10% WITH CU [DEACTIVATED] \$0

TOTAL MARKET VALUE: \$0
 Assesment Override:

CLASS USE
 FOREST ACRES: 0
 LAND USE CODE: 0
 PREV. YEAR VALUE: \$0
 PARENT PARCEL:
 REMARKS:
 Last Modified: 9/6/2012 6:37:52 PM
 Property Address: 1255 MADISON AVE apt office MONTGOMERY AL 36107
 Contiguous Parcels:

TAX SALE: TIF DIST:
 ASSMT. FEE:
 PVT CODE:
 BOE VALUE:

MARKET VALUE:
 CU VALUE:
 PENALTY:
 ASSESSED VALUE:

ASSESSMENT/TAX
 CLASS 2
 MUNCODE 02
 ASSD. VALUE \$0
 TAX \$0.00
 EXEMPTION \$0
 TAX EXEMPTION \$0.00
 TOTAL TAX \$0.00

CURR ASSMT: [NONE]
 Sort Code : 235590

ASSD. VALUE: \$0.00
 EXMT. TAX: \$0.00
 TAXABLE VALUE: \$0.00
 TOTAL MILLAGE: 36.5
 \$0.00
 ESTIMATED TOTAL: \$0.00

INSTRUMENTS
 INST NUMBER DATE SALE DATE SALE PRICE SALE TYPE RATIOABLE
 3600-0600 1983-03-10 00:00:00.000
 No Sales Information on Record

LEGAL DESCRIPTION

MAP NUMBER: 10 03 07 1 010 CODE1: CODE2:
 SUB DIVISON1:
 SUB DIVISON2:

MAP BOOK: PAGE:
 MAP BOOK: PAGE:

PRIMARY LOT: PRIMARY BLOCK:

SECTION1 07 TOWNSHIP1 16N RANGE1 18E
 SECTION2 0 TOWNSHIP2 0 RANGE2 0
 SECTION3 0 TOWNSHIP3 0 RANGE3 0
 SECTION4 0 TOWNSHIP4 0 RANGE4 0
 LOT DIM1 0.00 LOT DIM2 0.00 ACRES 0.000

SQ FT 0.000

METES AND BOUNDS: DEXTER PARK BOUNDED BY UPPER WETUMPKA ON N & ON W BY CGRR ON S BY S SECTION LINE NE1/4 7 16 18
 & ON E BY E SECTION LINE NE1/4 MONTGY

REMARKS:

Tax Year	Entity Name	Mailing Address
2013	CITY OF MONTGOMERY ATTN: WALTER BYARS	PO BOX 668, MONTGOMERY AL - 36101-0668
2012	CITY OF MONTGOMERY	103 N PERRY ST, MONTGOMERY AL - 36104-3728
2011	CITY OF MONTGOMERY	103 N PERRY ST, MONTGOMERY AL - 36104-3728
2010	CITY OF MONTGOMERY	103 N PERRY ST, MONTGOMERY AL - 36104-3728
2009	CITY OF MONTGOMERY	103 N PERRY ST, MONTGOMERY AL - 36104-3728
2008	CITY OF MONTGOMERY	103 N PERRY ST, MONTGOMERY AL - 36104-3728
2007	CITY OF MONTGOMERY	103 N PERRY ST, MONTGOMERY AL - 36104-3728
2006	CITY OF MONTGOMERY	103 N PERRY ST, MONTGOMERY AL - 36104-3728
2005	CITY OF MONTGOMERY	103 N PERRY ST, MONTGOMERY AL - 36104-3728
2004	CITY OF MONTGOMERY	103 N PERRY ST, MONTGOMERY AL - 36104-3728
2003	CITY OF MONTGOMERY	103 N PERRY ST, MONTGOMERY AL - 36104-3728

Ownership Changes:

Eff. Date	Tax Year	Entity Name	Mailing Address
10/1/1998	1999	CITY OF MONTGOMERY	103 N PERRY ST, 103 N PERRY ST, MONTGOMERY AL - 36104-3728

QUITCLAIM DEED

WHEREAS, THE PUBLIC ATHLETIC BOARD OF THE CITY OF MONTGOMERY, INC., hereinafter referred to as BOARD, is the owner of Parcel II, as described on the attached EXHIBIT "B" and made a part hereof; and,

WHEREAS, THE CITY OF MONTGOMERY, a Municipal Corporation, hereinafter referred to as CITY, is the owner of Parcel I, as described on the attached EXHIBIT "A" and made a part hereof; and,

WHEREAS, it is the intention of the Grantor herein to convey all of its right, title and interest in and to the property described on Parcel III, as described on the attached EXHIBIT "C" and made a part hereof, so that this conveyance will describe the entire Parcel known as "Patterson Field", which is a combination of Parcel I and Parcel II and described as one parcel in Parcel III and as shown on attached map marked EXHIBIT "D" dated February 25, 1983 and made a part hereof, prepared by the City of Montgomery Engineering Department and signed by George C. Speake, Alabama Registered Number 12772,

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: that in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, to the undersigned Grantor, THE PUBLIC ATHLETIC BOARD OF THE CITY OF MONTGOMERY, INC., herein sometimes referred to as Grantor or BOARD, in hand paid by THE CITY OF MONTGOMERY, a municipal corporation, sometimes referred to as Grantee or CITY herein, and the receipt of which is hereby acknowledged, the said Grantor does by these presents GRANT, BARGAIN, SELL and CONVEY, to THE CITY OF MONTGOMERY, a municipal corporation, its successors and assigns, the following real estate situated in Montgomery County, State of Alabama, to-wit:

Commencing at the northwest corner of the southwest 1/4 of Section 8, T16N, R18E; thence N 89°30'16"W along the half section line of Section 7, T16N, R18E, a distance of 146.39 feet to a railroad iron being a point on the easterly right-of-way of the Central of Georgia Railroad and the point of beginning; thence N 89°30'16"W along the half section line of Section 7, T16N, R18E, also being the northerly right-of-way line of the Central of Georgia Railroad, a distance of 41.38 feet to a point on the easterly right-of-way line of the Central of Georgia Railroad; thence N 29°36'48"W along the easterly right-of-way line of the Central of Georgia Railroad a distance of 588.18 feet to a point on the southerly right-of-way line of the Upper Wetumpka Road; thence N 75°04'15"E along the southerly right-of-way line of Upper Wetumpka Road a distance of 494.74 feet to a point on the east section line of Section 7, T16N, R18E; thence N 76°57'45"E along the southerly right-of-way line of Upper Wetumpka Road a distance of 414.29 feet to a point; thence S 00°12'11"W a distance of 105.0 feet to a point; thence N 88°16'13"E a distance of 100.0 feet to a point on the west property line of the Aronov Plat; thence S 00°17'17"W a distance of 630.52 feet along the west property line of the Aronov Plat to a point on the southerly property line of the Aronov Plat; thence S 69°22'E a distance of 16.59 feet along the southerly property line of the Aronov Plat to a point on the west property line of the Loeb Plat; thence S 01°48'25"E a distance of 224.91 feet along the west property line of the Loeb Plat to a point on the north right-of-way line of Madison Avenue; thence N 89°57'20"W along the north right-of-way line of Madison Avenue a distance of 538.74 feet to the easterly right-of-way line of the Central of Georgia Railroad; thence N 29°26'46"W along the easterly right-of-way line of the Central of Georgia Railroad a distance of 264.24 feet to a railroad iron and said point of beginning. Above described property is lying and situated in the east half of Section 7 and west half of Section 8, T16N, R18E, Montgomery County, Alabama, and contains 15.548 acres, more or less.

This conveyance is subject to any easements, rights-of-ways, leases or restrictions of record.

TO HAVE AND TO HOLD, the aforegranted premises, together with improvements and appurtenances thereunto appertaining unto the said GRANTEE, its successors and assigns FOREVER.

IN WITNESS WHEREOF, THE PUBLIC ATHLETIC BOARD OF THE CITY OF MONTGOMERY, INC., a corporation, has caused this instrument to be executed in its corporate name and behalf by HENRY PAUL HAAS, its duly authorized Chairman, and its corporate seal of said corporation to be hereunto affixed and attested by LAMAR WAGNER, its duly authorized Sec. - Treas., this 10 day of March - 1983, 1983.

THE PUBLIC ATHLETIC BOARD OF THE CITY OF MONTGOMERY, INC.

SEAL

ATTEST:

BY: Henry Paul Haas
its Chairman

Lamar Wagner
Its Sec. - Treas.

STATE OF ALABAMA
MONTGOMERY COUNTY

I, the undersigned authority, a Notary Public in and for said State and County, hereby certify that Henry Paul Haas and LAMAR WAGNER, whose names as Chairman and Sec. - Treas. of THE PUBLIC ATHLETIC BOARD OF THE CITY OF MONTGOMERY, INC., a corporation, are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they, as such officers and with full authority, executed the same voluntarily for and as the act of said corporation.

GIVEN under my hand and official seal this the 10 day of March, 1983.

W. W. Sanner
NOTARY PUBLIC

This instrument prepared by:
ROBISON & BELSER, P.A.
P.O. Drawer 1470
Montgomery, Alabama 36102

PARCEL I.

Commencing at the Northwest corner of the Southwest 1/4 of Section 8, T16N, R18E; thence North 89°30'16"W, 146.39 feet to a railroad iron being a point on the Eastern right-of-way of the Central of Georgia Railroad; thence North 89°30'16"W along the half section line of Section 7, T16N, R18E, also being the Northerly right-of-way line of the Central of Georgia Railroad, a distance of 41.38 feet to a point on the Easterly right-of-way line of the Central of Georgia Railroad; thence North 29°36'48"W, 588.18 feet to a point on the Southern right-of-way line of the Upper Wetumpka Road; thence North 75°04'15"E along the Southerly right-of-way line of the Upper Wetumpka Road a distance of 494.74 feet to a point on the East section line of Section 7, T16N, R18E; thence in a Southerly direction South 00°02'00"E, 640.43 feet to the point of beginning.

EXHIBIT "A"

PARCEL II.

MAP 0600 PAGE 6603

Commencing at the Northwest corner of the Southwest 1/4 of Section 8, T16N, R18E; thence along the East section line of Section 7, T16N, R18E, North 00°02'00"W, 640.43 feet to a point on the Southerly right-of-way line of the Upper Wetumpka Road; thence North 76°57'45"E along the Southerly right-of-way line of the Upper Wetumpka Road a distance of 414.29 feet to a point; thence South 00°12'11"W a distance of 105.00 feet to a point; thence North 88°16'13"E a distance of 100.00 feet to a point on the West property line of the Aronov Plat; thence South 00°17'17"W a distance of 630.52 feet along the West property line of the Aronov Plat to a point on the Southerly property line of the Aronov Plat; thence South 69°22'E a distance of 16.59 feet along the Southerly property line of the Aronov Plat to a point on the West property line of the Loeb Plat; thence South 01°48'25"E a distance of 224.91 feet along the West property line of the Loeb Plat to a point on the North right-of-way line of Madison Avenue; thence North 89°57'20"W along the North right-of-way line of Madison Avenue a distance of 538.74 feet to the Easterly right-of-way of the Central of Georgia Railroad; thence North 29°26'46"W along the Easterly right-of-way of the Central of Georgia Railroad a distance of 264.24 feet to a railroad iron; thence South 89°30'16"E a distance of 146.39 feet to the point of beginning.

EXHIBIT "B"

PARCEL III.
BOUNDARY DESCRIPTION

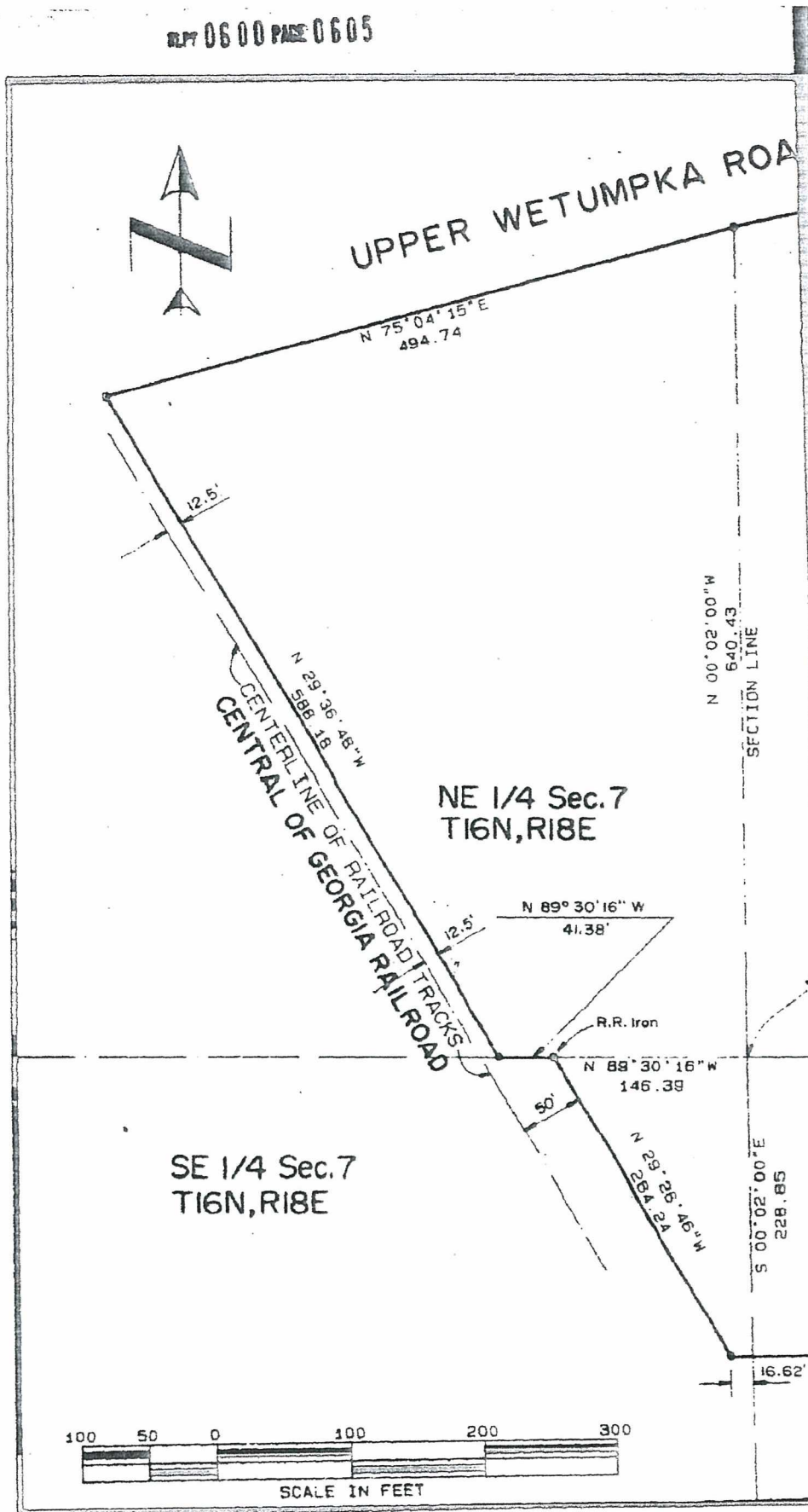
RM 0600 PAGE 6604

PATERSON FIELD PROPERTY

Commencing at the northwest corner of the southwest 1/4 of Section 8, T16N, R18E; thence N 89° 30' 16" W along the half section line of Section 7, T16N, R18E, a distance of 146.39 feet to a railroad iron being a point on the easterly right-of-way of the Central of Georgia Railroad and the point of beginning; thence N 89° 30' 16" W along the half section line of Section 7, T16N, R18E, also being the northerly right-of-way line of the Central of Georgia Railroad, a distance of 41.38 feet to a point on the easterly right-of-way line of the Central of Georgia Railroad; thence N 29° 36' 48" W along the easterly right-of-way line of the Central of Georgia Railroad a distance of 588.18 feet to a point on the southerly right-of-way line of the Upper Wetumpka Road; thence N 75° 04' 15" E along the southerly right-of-way line of Upper Wetumpka Road a distance of 494.74 feet to a point on the east section line of Section 7, T16N, R18E; thence N 76° 57' 45" E along the southerly right-of-way line of Upper Wetumpka Road a distance of 414.29 feet to a point; thence S 00° 12' 11" W a distance of 105.0 feet to a point; thence N 88° 16' 13" E a distance of 100.0 feet to a point on the west property line of the Aronov Plat; thence S 00° 17' 17" W a distance of 630.52 feet along the west property line of the Aronov Plat to a point on the southerly property line of the Aronov Plat; thence S 69° 22' E a distance of 16.59 feet along the southerly property line of the Aronov Plat to a point on the west property line of the Loeb Plat; thence S 01° 48' 25" E a distance of 224.91 feet along the west property line of the Loeb Plat to a point on the north right-of-way line of Madison Avenue; thence N 89° 57' 20" W along the north right-of-way line of Madison Avenue a distance of 538.74 feet to the easterly right-of-way line of the Central of Georgia Railroad; thence N 29° 26' 46" W along the easterly right-of-way line of the Central of Georgia Railroad a distance of 264.24 feet to a railroad iron and said point of beginning. Above described property is lying and situated in the east half of Section 7 and west half of Section 8, T16N, R18E, Montgomery County, Alabama, and contains 15.548 acres, more or less.

EXHIBIT "C"

AM: 2/25/83



A ROAD

N 76° 57' 45" E
414.29

S 00° 12' 11" W
105.00

N 88° 16' 31" E
100.00

129.00'

41

40

39

38

37

36

35

34

33

32

31

30

29

28

27

VONORA

15.548 ACRES

PATTERSON FIELD

NW 1/4 Sec. 8
T16N, R18E

N.W. Corner of SW 1/4
Sec. 8, T16N, R18E

S 89° 30' 16" E
515.19

HALF-SECTION LINE

S 69° 22' 00" E
16.59'

SW 1/4 Sec. 8
T16N, R18E

N 89° 57' 20" W
538.74

S 01° 48' 25" E
224.91

LOEB PLAT

9

7

MADISON AVENUE

100
50
1050
12.00

REC 113-135
102.00

EXP 06 00 00 00 00 00

48° 16' 31" E
100.00

125.00'

41 40 39

38

37

36

35

34

33

32

31

30

29

28

27

S 00° 17' 17" W
530.52

ARONOV

VONORA

0" E

S 01° 48' 25" E
224.91

LOEB PLAT

9

7

Boundary Survey of PATTERSON FIELD PROPERTY

prepared by
The City of Montgomery
Engineering Department

February 1983

FLINT

STATE OF ALABAMA)
MONTGOMERY COUNTY)

I, George C. Speake, a Registered Professional Engineer and Land Surveyor, hereby certify that the property shown on this map was surveyed under my supervision and that this map is true and correct to the best of my knowledge and belief.

I further certify that all boundary corners are marked with iron pins and that they actually exist this 25th day of February, 1983.

George C. Speake
George C. Speake
Ala. Reg. No. 12772

UE

100
1050
12.00

EXHIBIT "D"

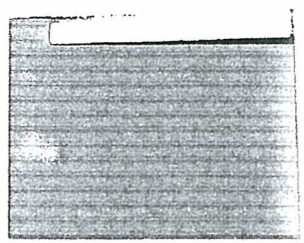
STATE OF ALABAMA
TO CERTIFY THIS INSTRUMENT
WAS ENTERED ON

MAR 11 10 26 AM 1983

JUDGE OF PROBATE

FILE	1.00
REC. FE	0.50
REC. FE	10.50
TOTAL	12.00

12.00



Parcel Map of I, II, III, 2.pdf

TerraServer - The Leader In Online Imagery

File Date Created: 4/30/2013 2:46:46 PM

Image Information:

Date Taken: 10/8/2011

Native Resolution: 0.5

File Size: 1500 x 1500 (2.3 megapixels)

Image Area: 0.07 sq km

Coordinate Information:

Center point Latitude: 32.38246 (32° 22' 57")

Center point Longitude: -86.29231 (-86° 17' 32")

Upper left corner Latitude: 32.38365 (32° 23' 1")

Upper left corner Longitude: -86.29369 (-86° 17' 37")

Lower right corner Latitude: 32.38127 (32° 22' 53")

Lower right corner Longitude: -86.29092 (-86° 17' 27")

Geo-reference Information:

Projection: UTM Zone 16

Datum: WGS 84

Image Units: Meters

World File:

Each graphic has it's own World file. Depending on the type of graphic file, the extension of the world file is made up of the first and last characters of the graphic

extension, with a 'w' at the end. The world files are all text based.

Graphic World File Extension

.jpg .jgw
.png .pgw
.tif .tfw
.psd .pdw
.pdf .pfw
.bmp .bpw
.gif .gfw

World File Contents:

Line 1: pixel size in the x-direction in meters/pixel

Line 2: rotation about the y-axis (always 0.0)

Line 3: rotation about the x-axis (always 0.0)

Line 4: pixel size in the y-direction in meters/pixel

Line 5: x-coordinate of the center up the upper left pixel (the Easting UTM Coordinate)

Line 6: y-coordinate of the center up the upper left pixel (the Northing UTM Coordinate)



2013 TerraServer DigitalGlobe

Imagery Date: 10/20/11
Imagery Source: TerraServer

Baseball Field

Clubhouse