

IN THE CIRCUIT COURT FOR THE EIGHTEENTH
JUDICIAL CIRCUIT OF ALABAMA

STATE OF ALABAMA	)	
Petitioner	)	CASE NO. <u>CV-83-033</u>
vs.	)	Project No. F 248(17)
CURTIS STRICKLAND, ET AL.,	)	Tract NO. 48-A
Defendants.	)	

JOINT MOTION TO DISMISS APPEAL AND REVEST TITLE
TO CERTAIN REAL ESTATE IN DEFENDANTS

Now comes the State of Alabama ("State") by its Special Assistant Attorney General, W. Howard Donovan, III, and Curtis Strickland, et al., by and through their attorney of record in these proceedings, Frank Ellis, Jr., and show unto this Honorable Court the following:

1. On, to-wit: September 17, 1982, the State filed a Petition for Order of Condemnation seeking the condemnation of the above-referenced tract in Shelby County, Alabama, which real property is described with particularity on the attached Exhibit A. On, to-wit: December 17, 1982, the Probate Court of Shelby County, Alabama, made and entered an Order granting the State's Petition for Order of Condemnation and awarding to Curtis Strickland, et al. damages for the taking in the sum of \$225.00.

2. On or after December 17, 1982, the following events did occur: the Defendants, Curtis Strickland, et al., filed a Notice of Appeal of the Probate Court award to the Circuit Court of Shelby County, Alabama; and, the State, acting by and through its Highway Department, determined that the attached tract was no longer needed for right-of-way purposes.

3. Thereafter, on, to-wit: March 1, 1983, the State and the Defendants did enter into an agreement which provides that (i) the aforesaid Defendants, Curtis Strickland, et al. would be paid the \$225.00, which is currently on deposit in the Circuit Court of Shelby County, Alabama, as compensation for the expenses which they have incurred in the defense of the aforesaid Probate Court proceedings; (ii) that the Defendants would be revested with title to the tract; and (iii) that this appeal would be dismissed with all cost taxed to the State.

FILED IN OFFICE THIS THE 4th DAY
OF April, 1983

Kyle Linsford

Clerk of Circuit Court
Shelby County, Alabama

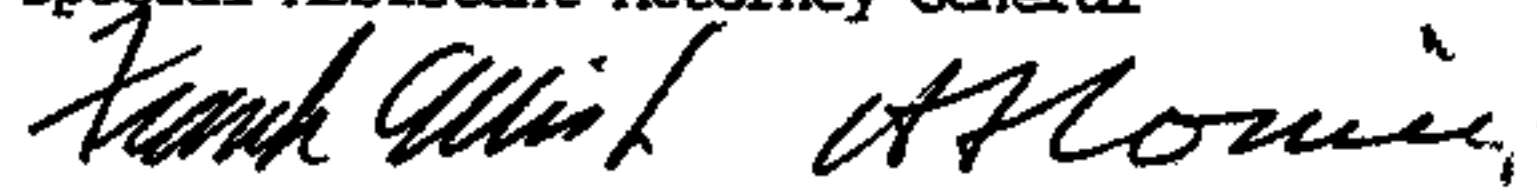
Fulford Pope

BOOK 49 PAGE 438

WHEREFORE, pursuant to the agreement recited in Paragraph 3 hereof, the State and Defendants pray that this Court will make and enter an Order dismissing this appeal and directing the payment to the Defendants of the sum of \$225.00, currently on deposit with the Circuit Court of Shelby County, Alabama, and will further make and enter an order divesting the State of any right, title and interest which it has in the real estate described in the attached Exhibit A as a result of the aforesaid Probate Court proceedings, and invest title to the same real estate in the Defendants, Curtis Strickland, et al., so that after the entry of this Order and recordation thereof on the records of the Probate Court of Shelby County, Alabama, the Defendants will hold title to the real estate described in the attached Exhibit A to the same degree and in the same manner as they held title prior to the date of filing of the Petition of Condemnation in these proceedings on, to-wit: September 17, 1982.

Respectfully submitted,

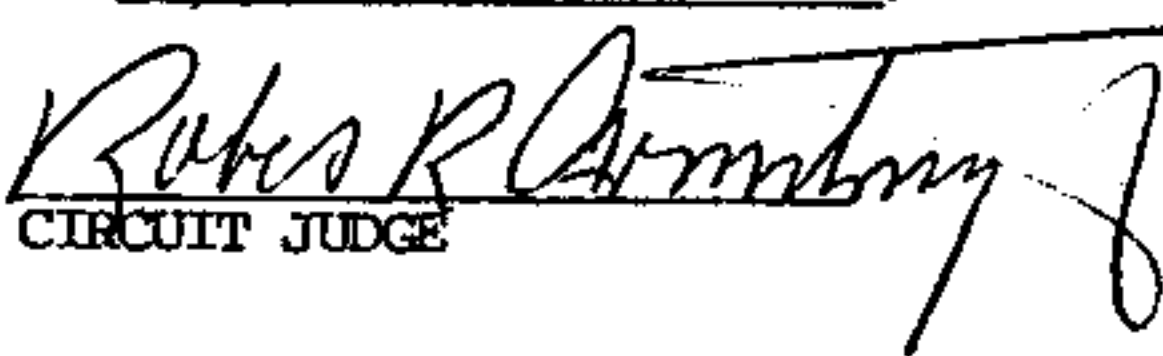

W. HOWARD DONOVAN, III -
Special Assistant Attorney General


FRANK ELLIS -
Attorney for Defendants,
Curtis Strickland, et al.

ORDER

The foregoing Joint Motion to Dismiss Appeal and Revest Title to Certain Real Estate in Defendants, coming to be heard, it is herewith ORDERED, ADJUDGED and DECREED as follows: that the appeal in this cause be dismissed with all cost taxed to the State; that the Circuit Clerk of Shelby County, Alabama, is directed to make, execute and deliver his check payable to H.L. Conwill and Frank Ellis, Jr., in the sum of \$225.00, representing the amount of the proceeds deposited with the Circuit Clerk on appeal of these proceedings from the Probate Court of Shelby County, Alabama; further, it is ORDERED, ADJUDGED and DECREED that the State of Alabama is divested of any and all right, title and interest to the real estate described on the attached Exhibit A, which the State acquired as a result of the proceedings of the Probate Court of Shelby County, Alabama, and that the Defendants, Curtis Strickland, et al., are invested with all of the State's right, title and interest in the aforesaid real estate described on the attached Exhibit A so that the parties thereto shall be placed in a position they were prior to the filing of the State's Petition for Condemnation in the Probate Court of Shelby County, Alabama. It is further herewith ORDERED, ADJUDGED and DECREED that the original of this Joint Motion to Dismiss and this Order be placed on the records of the Probate Court of Shelby County, Alabama.

DONE this the 4 day of APRIL, 1983.


CIRCUIT JUDGE

TRACT NO. 48-A of PROJECT NO. F-248(17) of the State of Alabama
Highway Department, Shelby County, Alabama, being more particularly
described as follows:

Commencing at the southeast corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 34, T-19-S, R-2-E; thence northerly along the east line of said SW $\frac{1}{4}$ of NW $\frac{1}{4}$ a distance of 300 feet, more or less, to the present southwest right-of-way line of a paved county road; thence northwesterly along said present southwest right-of-way line a distance of 185 feet, more or less, to a point that is southwesterly of and at right angles to the Traverse of said paved county road at Station 27+00 and the point of beginning of the property herein to be conveyed; thence southwesterly and at right angles to said Traverse a distance of 15 feet, more or less, to a point that is 40 feet southwesterly of and at right angles to said Traverse at Station 27+00; thence northwesterly, parallel with said Traverse a distance of 161 feet, more or less, to the north property line; thence easterly along said north property line a distance of 15 feet, more or less, to the present southwest right-of-way line of said paved county road; thence southeasterly along said present southwest right-of-way line a distance of 158 feet, more or less, to the point of beginning.

Said strip of land lying in the SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 34, T-19-S, R-2-E and containing 0.05 acres, more or less.

Respondents:

Curtis Strickland
P. O. Box 36
Harpersville, AL 35078

Joyce Strickland
P. O. Box 36
Harpersville, AL 35078

Jeffco Finance & Discount Co.
2023 4th Avenue North
Birmingham, AL 35203

L. N. Wyatt, Jr.
Harpersville, AL 35078

Ronnie Wyatt
c/o H. L. Conwell, Esquire
P.O. Box 557
Columbiana, AL 35051

Donnie Wyatt
c/o H. L. Conwell, Esquire
P.O. Box 557
Columbiana, AL 35051

Terry Wyatt
c/o H. L. Conwell, Esquire
P.O. Box 557
Columbiana, AL 35051

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1983 APR -4 AM 10:51

Rec. 450
Ind. 100
550

Thomas A. Snowden, Jr.
JUDGE OF PROBATE

The unknown heirs or devisees of Kathleen Wyatt and L.N. Wyatt, S both deceased, the Mortgagees of Mortgage Recorded in Vo. 314, Page 66 in the Probate Office of Shelby County, Alabama.

EXHIBIT
"A"