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IN THE PROBATE COURT
OF SHELBY COUNTY, ALABAMA

STATE OF ALABAMA,

Plaintiff,

v.

JAMES CURTIS ANDERSON, et al.

Defendants.

CASE NUMBER: 29-156

DECREE OF CONDEMNATION BY PROBATE COURT

This cause coming on to be heard after submission of the report of commissioners heretofore appointed in this cause seeking an order of condemnation of the lands described in Attachment A attached hereto and in the said report of the commissioners filed in said cause and also described in the petition of the State of Alabama, for an order of condemnation; and it appearing that this Court previously heard the allegations of said petition and all legal evidence offered by the parties touching the same and it further appearing that this Court made an order granting said application for the condemnation of the property described in the said application or petition and as hereinafter described and did appoint George Seales, Henry Caton and J.D. "Buck" Faulkner, three citizens of Shelby County, Alabama, in which the lands sought to be condemned are situated and who were and are disinterested and who possess the qualifications of jurors in Shelby County, Alabama, as commissioners to assess the damages and the compensation to which the respondents or defendants described in said petition are entitled.

It further appears to this Court that notice of the appointment of the said three named persons as commissioners was issued by this Court, as required by law, and that service of such notice was accepted by each of said persons.

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It further appears to this Court that the said commissioners, before entering upon the discharge of their duties in the premises, were sworn as jurors are sworn, and that they did thereafter receive all legal evidence offered by the parties touching the amount of damages the owners of said parcels of land will sustain and the amount of just compensation they are entitled to receive; and it further appearing to the Court that the said commissioners did on the 15th day of November, 1990, as to the tract numbered 23, as described in the said petition make a report in writing to this Court setting out the

amount of damages and compensation ascertained and assessed by them which should be awarded as to the said respective tracts.

It further appears to this Court that the said commissioners did also file a certificate along with their award that none of them has ever been consulted, advised with or approached by any person in reference to the value of the land or the proceedings to condemn the same prior to the assessment of damages, and that they knew nothing of the same prior to their appointment.

It further appears to this Court that the damages and compensation ascertained and assessed by the said commissioners for the respondents or owners as to the parcels or tracts of land named above has been deposited in this Court, and that all things necessary and required by the laws of the State of Alabama have been done and performed by the State of Alabama, as plaintiff.

IT IS THEREFORE, ORDERED, ADJUDGED and DECREED and it is the judgment of this Court that property sought to be condemned in said petition for order of condemnation (as more particularly described as Tract 23 therein) be, and the same hereby is, condemned, granted, and awarded to the State of Alabama as plaintiff.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the plaintiff is hereby given and awarded fee simple title to and a right of way and easement in, over, on, and upon the hereinabove described lands, together with the right to remove all improvements, trees, undergrowth and other obstructions situated on said lands and the right to prevent any persons from placing or maintaining any obstructions on or upon said lands and also the right to enter upon said lands for the purpose of constructing, maintaining and repairing the public road or highway for which said land is sought to be, and which hereby is, condemned, and for the uses and purposes sought in the petition or complaint for condemnation as amended.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the fee simple title to and a right of way or easement, in, over, on, or upon the hereinabove lands be, and the same hereby is, divested out of the defendants in this cause and is hereby vested in the plaintiff, the State of Alabama, and the State of Alabama, the plaintiff in this cause, is hereby given and awarded the right to the immediate possession of the property hereinabove described for the uses and purposes set out in said petition or complaint for condemnation as amended and as set out in this order.

IT IS FURTHER ORDERED, ADJUDGED and DECREED and it is the judgment of this Court that the parties whose names are set out hereinbelow are entitled to the amounts set forth below which said sums are ordered to be paid over to the respondents or defendants in this cause named hereinbelow for each said tract and, if by agreement of all the parties hereto or if otherwise necessary, jurisdiction is retained of this cause under Section 18-1A-291, Code of Alabama, (1975) and other relevant sections, so as to make any necessary distribution or apportionment of funds among the parties or

respondents. The persons owning each respective tract and the amounts of just compensation awarded as to the said tract are as follows:

TRACT NO. 23 (\$7,100.00)

OWNER: James Curtis Anderson, Christine Anderson, Margie Anderson Lowry, Jeanette Anderson Knowles, Joe Anderson, Bobby Turnbloom, Mack Turnbloom, Nita Turnbloom, Linda Anderson, Travis Anderson, Teresa Anderson Gibson, the heirs and devisees of Terry Anderson, deceased, and the heirs and devisees of James Anderson, deceased.

LIENHOLDERS: University of Alabama DBA University Hospitals & Clinics, Nasrollah Eslami, M.D., University of Alabama Health Services Foundation Department of Medicine, Norwood Clinic, Inc. Professional Corporation, Cardiovascular Associates, P.A., Anniston Production Credit Association, and Annette Skinner, Tax Collector.

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IT IS FURTHER ORDERED, ADJUDGED and DECREED by this Court that Joseph E. Wicker, guardian ad litem in this cause, shall be awarded a reasonable attorney's fee for his services rendered in this cause in the amount of \$125.00.

IT IS FURTHER ORDERED, ADJUDGED and DECREED by this Court that all costs incurred in this cause be, and the same hereby are, taxed against the plaintiff, the State of Alabama.

ORDERED on this the 7th day of Dec. 1990.

Thomas A. Snowden
Probate Judge of
Shelby County, Alabama

ATTACHMENT 3A

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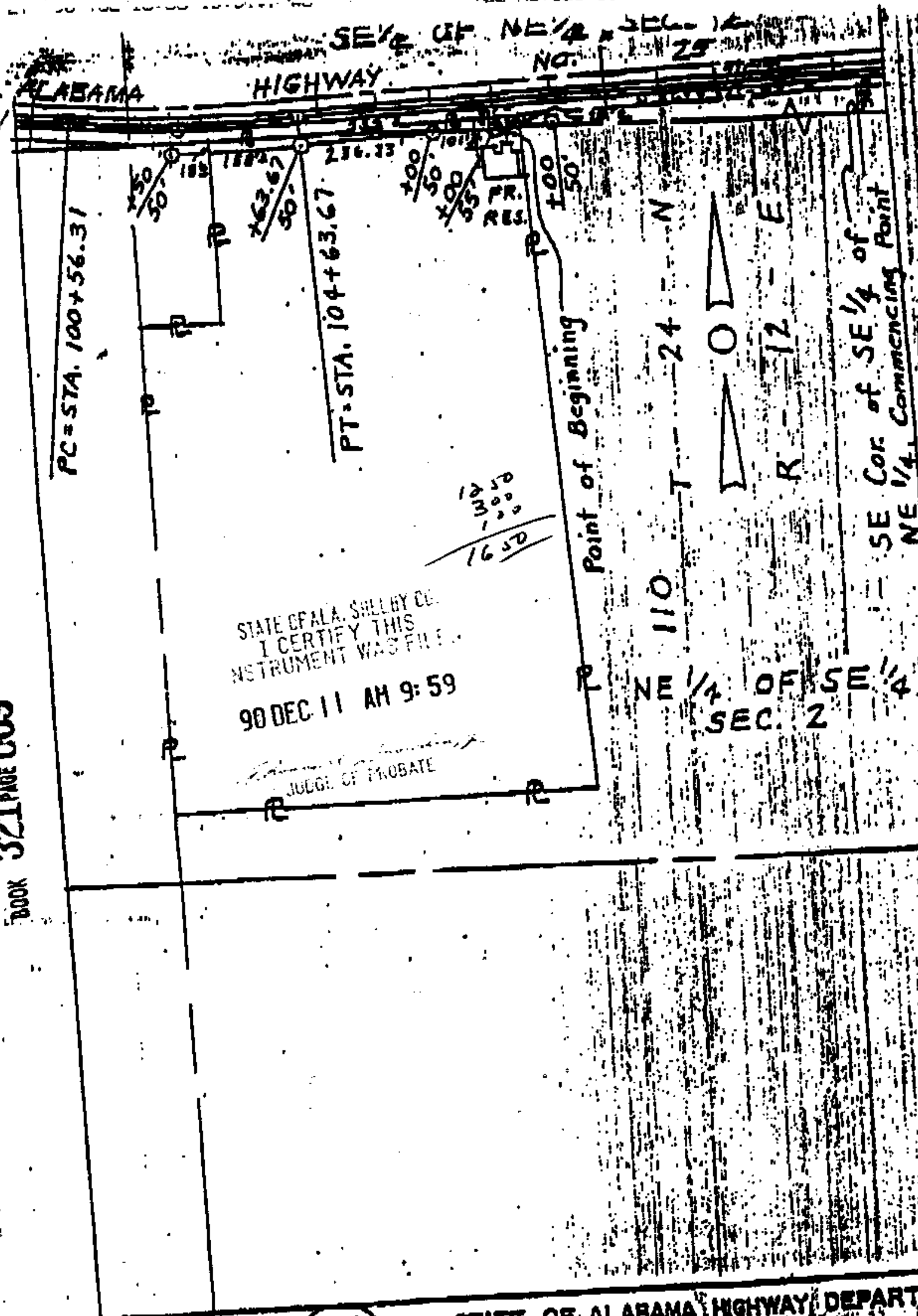
The following described property, lying and being in Shelby County, Alabama, and more particularly described as follows (and as also shown on the right of way map of Project No. OLB-039-025-001 on record in the State of Alabama Highway Department and recorded in the Office of the Judge of Probate of Shelby County, Alabama and as shown on the Property Plat attached hereto and made a part hereof):

Commencing at the southeast corner of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 2, T-24-N, R-12-E; thence northerly along the east line of said SE $\frac{1}{4}$ of NE $\frac{1}{4}$ a distance of 93 feet, more or less, to the centerline of Project No. OLB-039-025-001; thence S 88° 32' 40" W along the centerline of said Project a distance of 713 feet, more or less, to Station 108+00; thence turn an angle of 90° 00' to the left and run a distance of 55 feet to the point of beginning of the property herein to be conveyed; thence northeasterly along a line (which if extended would intersect a point that is 30 feet southeasterly of and at right angles to the centerline of said Project at Station 108+00) a distance of 38 feet, more or less, to the east property line; thence northerly along said east property line a distance of 28 feet, more or less, to the present south right-of-way line of Alabama Highway No. 25; thence westerly along said present south right-of-way line a distance of 534 feet, more or less, to the west property line; thence southerly along said west property line a distance of 18 feet, more or less, to a point that is 80 feet southerly of and at right angles to the centerline of said project; thence northeasterly along a curve to the left (concave northerly) having a radius of 2914.9 feet, parallel with the centerline of said Project, a distance of 138 feet, more or less, to a point that is 50 feet southeasterly of and at right angles to the centerline of said Project at Station 104+83.67; thence N 86° 32' 49" E parallel with the centerline of said Project, a distance of 236.33 feet; thence southeasterly along a line a distance of 101 feet, more or less, to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 2, T-24-N, R-12-E and containing 0.26 acre, more or less.

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TRACT NUMBER 23 STATE OF ALABAMA HIGHWAY DEPARTMENT
OWNER: JAMES ANDERSON PROJECT NUMBER 0LB 059-
TOTAL ACREAGE: 18.00 COUNTY-SHELBY-025-001
R/W REQUIRED: 0.26
REMAINDER: 17.74 SCALE 1" = 200' DATE 8-31-89