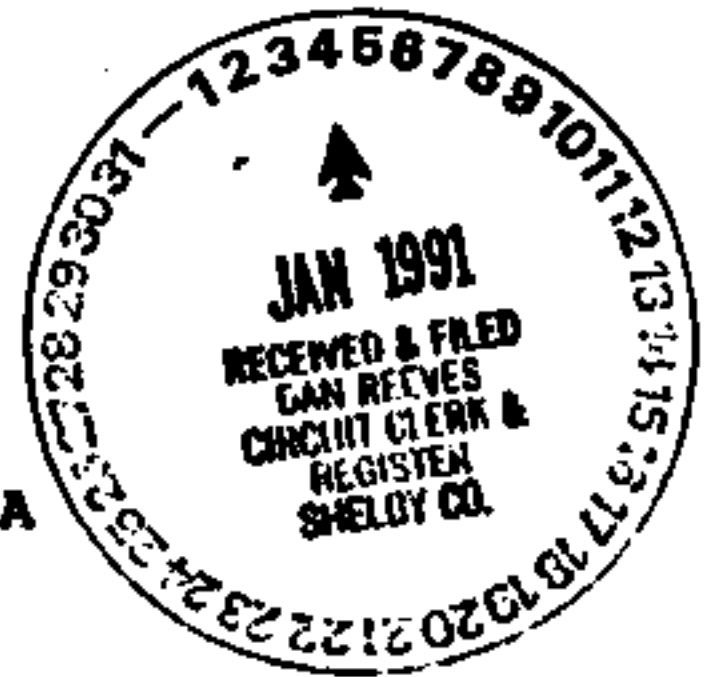


1173



IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

THE STATE OF ALABAMA,
Plaintiff,

vs

WILLIAM C. BURTON; FIRST
NATIONAL BANK OF JASPER;
ANNETTE SKINNER, Tax Col-
lector for Shelby County,
Alabama,
Defendants.

Case Number CV-89-424

ORDER AND DECREE OF CONDEMNATION

This cause was commenced on April 25, 1989, in the Probate Court of Shelby County, Alabama, by the filing of an application to condemn the property hereinafter described under and pursuant to Section 23 of the Constitution of Alabama, Title 18, Chapter 1, and Title 23-1-45 and Title 23-3-5 of the Code of Alabama, 1975. On June 23, 1989, the Probate Court of Shelby County, Alabama, entered a Decree of Condemnation in its case no. 28-76, granting the Plaintiff's Application for Condemnation and assessing damages in the amount of Sixteen Thousand Dollars (\$16,000.00). On July 20, 1989, the Plaintiff appealed the Decree of Condemnation to the Circuit Court of Shelby County, Alabama, and paid the amount of damages assessed by the Probate Court into the Court.

This case came before the Court on the Joint Motion and Stipulation for Consent Decree, filed by all parties on the 4th day of January, 1991. The Court, having reviewed its record and the prayer in the Joint Motion of the Parties, finds that said Motion is well taken and it is, accordingly, ordered, adjudged, and decreed as follows:

1. The Application for the Condemnations of the hereinafter described land is, and the same should be, granted and allowed:

Commencing at the northeast corner of the SW 1/4 of the SE 1/4, Section 4, T-22-S, R-2-W; thence westerly along the north line of said SW 1/4 of SE 1/4 a distance of 135 feet, more or less, to the point of beginning of the property herein to be conveyed; said point of beginning being on a line which extends from a point that is 315 feet northeasterly of and at right angles to the centerline of Project IR-65-2(115) at Station 273+70 to a point that is 185 feet northeasterly of and at right angles to said centerline at Station

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271+00; thence southeasterly along said line a distance of 275 feet, more or less, to said point that is 185 feet northeasterly of and at right angles to said centerline at Station 271+00; thence southwesterly along a line a distance of 10 feet to a point that is 175 feet northeasterly of and at right angles to said centerline at Station 271+00; thence northwesterly along the present northeast right-of-way line of I-65 a distance of 215 feet, more or less, to a point that is 246 feet northeasterly of and at right angles to said centerline at Station 273+04; thence continuing northwesterly along said present northeast right-of-way line a distance of 270 feet, more or less, to a point on the present southwest right-of-way line of a county road that is 350 feet northeasterly of and at right angles to said centerline at Station 275+42; thence southeasterly along said present southwest right-of-way line a distance of 158 feet, more or less, to a point that is northeasterly of and at right angles to said centerline at Station 274+00; thence southwesterly along a line a distance of 109 feet, more or less, to a point that is 315 feet northeasterly of and at right angles to said centerline at Station 273+70; thence southeasterly along a line (which if extended would intersect a point that is 185 feet northeasterly of and at right angles to said centerline at Station 271+00) a distance of 25 feet, more or less, to the point of beginning.

Said strip of land lying in the W 1/2 of SE 1/4, Section 4, T-22-S, R-2-W and containing 0.42 acre, more or less.

Additionally, all of the defendant's existing, future, or potential common law or statutory rights of access between the right of way of the public way identified as Project IR-65-2(115), County of Shelby, and all of the defendant's remaining property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the property conveyed by this instrument or are connected thereto by other parcels owned by the defendants.

A permanent easement to a strip of land necessary for construction and being more fully described as follows: Commencing at the southeast corner of the NW 1/4 of SE 1/4, Section 4, T-22-S, R-2-W; thence northerly along the east line of said NW 1/4 of SE 1/4 a distance of 86 feet, more or less, to the present southwest right-of-way line of a county road; thence northwesterly along said present southwest right-of-way line a distance of 5 feet, more or less, to a point that is northeasterly of and at right angles to the centerline of Project IR-65-2(115) at Station 273+19 and the point of beginning of the property herein to be

conveyed; thence southwesterly along a line a distance of 175 feet, more or less, to a point that is northeasterly of and at right angles to said centerline at Station 273+11; said point being on a line which extends from a point that is 185 feet northeasterly of and at right angles to said centerline at Station 271+00 to a point that is 315 feet northeasterly of and at right angles to said centerline at Station 273+70; thence northwesterly along said line a distance of 65 feet, more or less, to said point that is 315 feet northeasterly of and at right angles to said centerline at Station 273+70; thence northeasterly along a line a distance of 109 feet, more or less, to a point on the present southwest right-of-way line of said county road that is northeasterly of and at right angles to said centerline at Station 274+00; thence southeasterly along said present southwest right-of-way line a distance of 100 feet, more or less, to the point of beginning.

Said strip of land lying in the W 1/2 of SE 1/4, Section 4, T-22-S, R-2-W and containing 0.19 acre, more or less.

Said Defendant's names and addresses are as follows: William C. Burton, c/o Griff O'Rear, Attorney at Law, P.O. Box 191, Jasper, AL 35502, First National Bank of Jasper, P.O. Box 31, Jasper, AL 35502, and Annette Skinner, Tax Collector, Shelby County Courthouse, Columbiana, AL 35051.

2. It is further ordered, adjudged and decreed that the Court costs in this cause be and the same are hereby taxed against the Plaintiff, the State of Alabama, for which let execution issue.

3. The Court determines and fixes the damages and just compensation to which the Defendants are entitled for the condemnation of the property hereinabove described at the sum of Nine Thousand Five Hundred Twenty-Five Dollars (\$9,525.00).

4. It being shown to the Court that the Plaintiff, by and through its attorney of record, Ronald E. Jackson, has heretofore deposited with the Judge of Probate of Shelby County, Alabama, the sum of Sixteen Thousand Dollars (\$16,000.00) as damages and compensation for the condemnation of said lands and interest in lands hereinabove described, which said sum has been transferred and delivered by the said Judge of Probate of Shelby County, Alabama, to the Clerk of this Court, who now has possession of said funds, it is hereby ordered, adjudged and decreed by the Court that the Clerk of this Court is hereby authorized and directed to pay to the Defendants the sum of Nine Thousand Five Hundred Twenty-Five Dollars (\$9,525.00), which represents just compensation due to the Defendants in this cause.

5. It is further ordered, adjudged and decreed by the Court that the Plaintiff, the State of Alabama, be and is hereby given and awarded, and there is hereby transferred and conveyed unto the Plaintiff, the State of Alabama, the interest in the above described lands sought in the Application for Order of Condemnation, for the uses and purposes set forth therein.

6. It is further ordered, adjudged and decreed by this Court that the balance of any funds being held by the Clerk of this Court, after payment of all Court costs and the sum of compensation ordered hereinabove to be paid to the Defendants, be paid over to the Plaintiff, the State of Alabama.

Done and ordered this 4th day of January, 1991.

J. Al Cowson
CIRCUIT JUDGE

1. Deed Tax	—	\$	—
2. Mtg. Tax	—	\$	—
3. Recording Fee	—	\$	10.00
4. Indexing Fee	—	\$	5.00
5. No Tax Fee	—	\$	—
6. Certified Fee	—	\$	1.00
Total	—	\$	16.00

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STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

91 JAN 22 AM 9:37

Thomas A. Jennings Jr.
JUDGE OF PROBATE