

STATE OF ALABAMA

SHELBY COUNTY

STATE OF ALABAMA,

PETITIONER

VS.

THE UNKNOWN HEIRS OR DEVISEES OF
K.E. McWILLIAMS, DECEASED AND THE
UNKNOWN HEIRS OR DEVISEES OF SIDNEY
J. HART, DECEASED,

RESPONDENTS

I certify this to be a true and
correct copy

6-25-92

Probate Judge
Shelby County

IN THE PROBATE COURT OF
SHELBY COUNTY, ALABAMA

Inst # 1992-23640

10/15/1992-23640
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SHELBY COUNTY JUDGE OF PROBATE
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DECREE GRANTING CONDEMNATION AND APPOINTING COMMISSIONERS

This being the day appointed for hearing the Application for Order of Condemnation of State of Alabama, Petitioner, to condemn certain properties more particularly described or designated in said Application, for the uses and purposes therein stated;

And it appearing to the satisfaction of the Court that on the 25TH day of FEBRUARY, 1966, a copy of the Notice of Process on file in this cause was mailed by this Court to each of the following non-resident respondents whose addresses were known to Petitioner; John Hart Asher and Leota Asher Blaw, Guardians of the Estate of Bessie Hart Asher, a non compos mentis, at their last respective known addresses, by registered mail, postage prepaid, marked, "for delivery only to the person to whom addressed" and return receipt demanded, addressed to this Court; and it further appearing to the Court that said return receipts for each of the said respondents has been received and are on file in this cause, and each having been duly served with such notice of Process more than 20 days prior to this date, ^{OR WAIVED NOTICE THEREOF} as required by law;

And it further appearing to the satisfaction of the Court that the following named persons, non-resident respondents named in said Application whose addresses were not known have been given notice of these proceedings and the date and time set for the hearing thereon and the purposes thereof, as required by law, by advertisement published in The Shelby County Reporter, a newspaper published in Shelby County, Alabama, for three weeks prior to this date as required by law, viz: the unknown heirs or devisees of K. E. McWilliams, deceased; also the unknown heirs or devisees of Sidney J. Hart, deceased, also the heirs or devisees and personal representatives of the above named persons, if deceased, the names, ages, residences, and legal disabilities of any such heirs or devisees and personal representatives being unknown to your petitioner; also, any other person or corporation owning and claiming any property interest in the real estate described in the Application for Order of Condemnation filed in this cause, the names and residences of any such persons or corporations being unknown to your petitioner.

And the Court, having first appointed W.W. Rabren, a practicing attorney at law in Shelby County, Alabama as Guardian Ad Litem to represent and defend the interest of Bessie Hart Asher, a non compos mentis; and/any and all infants, persons of unsound mind and/unknown respondents/^{all} and parties in this said cause, and having been satisfied that said guardians ad litem appeared in open Court, accepted each said appointment in writing, and/ in writing denied each and every allegation of the Application for Order of Condemnation, and demanded strict proof thereof, then proceeded in said Court to hear said Application, and the issues presented and to hear all the evidence offered in support thereof and all evidence offered by all persons who made known to the Court their desire to testify in any capacity and for any purpose; that all other of the aforesaid respondents are of sound mind and each over the age of 21 years;

And it appearing to the satisfaction of the Court from legal and competent evidence offered by Petitioner that the averments of said Application for Order of Condemnation, are true and correct and that Petitioner is entitled to acquire the lands, interests, and properties herein sought to be condemned for the public purpose set forth in said Application; and it further appearing to the satisfaction of the Court that the Application for Order of Condemnation, prayed for by Petitioner should be granted by the Court against all of the said parties hereto, Respondents to this cause, and against all of the properties designated or described in said Application for Order of Condemnation;

And it appearing to the satisfaction of the Court that George Hain, E. B. Bowdoin, and B. B. Curry are resident citizens of Shelby County, Alabama, and that each of said persons possess the qualifications of jurors, and that each of said persons is disinterested and has no interest whatever in these proceedings, and that each of said persons is in all respects competent and qualified to serve as Commissioners to assess the damages and compensation to which the owners and claimants of the said properties herein condemned are entitled;

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED, AND DECREED by the Court that, upon a consideration of the evidence offered, the said Application for Order of Condemnation, be and the same is hereby granted, and that the said George Hain, E. B. Bowdoin, and B. B. Curry be, and they are hereby, appointed Commissioners to assess and appraise the damages and compensation to which the owners and claimants of the said properties described in said Application for Order of Condemnation;

tion, are entitled, and that said persons so appointed Commissioners have notice of their appointment as such Commissioners by written commission issued to them and served upon them by the Sheriff of Shelby County, Alabama, and that said Commissioners proceed with the assessment of said damages and compensation in the manner required by law, and that said Commissioners report their findings in writing under oath to this Court within the time required by law.

Done this 11 day of March, 1966.

Conrad M. Fowler
Judge of Probate

STATE OF ALABAMA
SHELBY COUNTY

IN THE PROBATE COURT OF
SHELBY COUNTY, ALABAMA

TO THE SHERIFF OF SHELBY COUNTY, ALABAMA--GREETINGS:

You are hereby commanded to serve a copy of the Notice of Appointment of Commissioners on George Hain, E. B. Bowdoin, and B. B. Curry, and to make due return of your action thereon within five days from the day hereof.

Witness my hand this 11 day of March, 1966.

Robert M. Lark
Judge of Probate

STATE OF ALABAMA,

PETITIONER

IN THE PROBATE COURT OF
SHELBY COUNTY, ALABAMA

VS.

THE UNKNOWN HEIRS OR DEVISEES OF
K.E. McWILLIAMS, DECEASED AND THE
UNKNOWN HEIRS OR DEVISEES OF SIDNEY
J. HART, DECEASED,

RESPONDENTS

TO.

George Hain
E. B. Bowdoin
B. B. Curry

Whereas, State of Alabama, Petitioner, has filed in the Probate Court of Shelby County, Alabama, its Application seeking to condemn for public road and highway purposes certain land and properties situated in Shelby County, Alabama, claimed by and owned by the unknown heirs or devisees of K. E. McWilliams, deceased, and the unknown heirs or devisees of Sidney J. Hart, deceased, which said certain land and property is more particularly described and set out in separate Exhibits "B" designated as a tract and made a part of the said Application which has heretofore been filed in this cause, to-wit: Tract No. 13; and whereas the said right of way sought to be condemned by Petitioner over said tract of land being particularly described in Exhibit "B" of the said Application is now located and staked out and is otherwise shown and described by a map or plat or survey made thereof by the State Highway Department now on file in the Office of the Judge of Probate of Shelby County, Alabama, at page 1 of Right-of-Way Map Record No. 3; and whereas the names and residences of the owners and other parties who claim or who hold any right, title, or interest in the property described in the said tract of Exhibit "B" of the said Application where known, is set out in each Exhibit "B" of said Application.

STATE OF ALABAMA
SHELBY COUNTY

IN THE PROBATE COURT OF
SHELBY COUNTY, ALABAMA

TO THE SHERIFF OF SHELBY COUNTY, ALABAMA--GREETINGS:

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Witness my hand this 11 day of March, 1966.

Ernest M. Davis
Judge of Probate

STATE OF ALABAMA,

IN THE PROBATE COURT OF
SHELBY COUNTY, ALABAMA

PETITIONER

VS.

THE UNKNOWN HEIRS OR DEVISEES OF
K.E. McWILLIAMS, DECEASED AND THE
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and

AND WHEREAS, said Probate Court of Shelby County, Alabama, by its order and decree made on this same day has granted said Application, and has appointed you commissioners to assess the damages and compensation to which said owners and claimants of the said tract of land or parcel are entitled on account of the condemnation of said land for the purposes hereinabove mentioned;

NOW THEREFORE, these presents are to authorize and commission you to perform your duties as such commissioners in the manner provided by law.

You are hereby directed by this commission to be sworn as jurors are sworn under the laws of the State of Alabama, and you are further directed to file a certificate along with your award that neither of you have ever been consulted, advised with, or approached by any person in reference to the value of the lands, or the proceedings to condemn the same prior to the assessment of damages, and that you know nothing of the same prior to your Appointment.

You are further commissioned and directed by these presents to assess separately the damages and compensation to which the said owners and claimants are entitled by reason of the taking and condemnation of the said property for use as right of way for public road or highway purposes, and you may view the said land. You are instructed that the amount of compensation to which the owners and claimants are entitled must not be reduced or or diminished because of any incidental benefits which may accrue to them, or to their remaining land in consequence of the uses to which the land to be taken, or in which the easement is to be acquired, will be appropriated, but you may, in fixing the amount of compensation to be awarded the owners for lands taken for this use, taken into consideration the value of the enhancement to the remaining lands of such owners that such public road or highway may cause, if any.

You are further directed within twenty days from the date of this commission to make and file in this Court a report in writing of the amount of damages and compensation ascertained and assessed by you for the said owners and claimants of each separate parcel set out in Paragraph 3 of said Application.

Witness my hand this 11 day of March, 1966.

James M. Linder
Judge of Probate of Shelby County, Alabama

filed 3/11/66

BOOK 23 PAGE 83

No. _____ Page _____

THE STATE OF ALABAMA

SHELBY COUNTY

Practitioner
Circuit Court of Shelby County

STATE OF ALABAMA,

PETITIONER

vs.

THE UNKNOWN HEIRS OR DEVISEES OF K.E. MCWILLIAMS, DECEASED AND THE UNKNOWN HEIRS OR DEVISEES OF SIDNEY J. HART, DECEASED, RESPONDENTS

NOTICE OF APPOINTMENT OF COMMISSIONERS

Filed _____ 19____

JAMES H. SHARBUTT
Attorney At Law
Childersburg, Alabama

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RETURN TO LEGAL DEPT.

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Executed this the 17th 1966

day of March 1966
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George Horn
G. P. Walker

Shelby County, Alabama

by _____ D.

Executed this the 17th 1966

day of March 1966
by leaving a copy of the within with

W. F. B. Barber
C. P. Walker

Shelby County, Alabama

by _____ D.

Executed this the 17th 1966

day of March 1966
by leaving a copy of the within with

B. B. Curry
C. P. Walker

Shelby County, Alabama

Inst # 1992-23640 D.

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SHELBY COUNTY JUDGE OF PROBATE

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