

STATE OF ALABAMA,

Petitioner,

v.

WINSTON M. HENDERSON, ET AL.,
Defendants.

IN THE PROBATE COURT
OF
SHELBY COUNTY, ALABAMA
CASE NO. 23-89

I certify this to be a true and
correct copy

6/25/92 Probate Judge
Shelby County

DECREE OF CONDEMNATION

THIS CAUSE was submitted to the Court for a Decree confirming the report of the Commissioners heretofore appointed in said cause and for an order of Condemnation as to the lands described in the Commissioners' Report and in the original Petition filed in this Court by the State of Alabama, and it appearing to the Court that on November 9, 1982 this Court heard the allegations of the Petition filed by the State of Alabama in this cause and all legal evidence presented by an interested party and on November 16, 1982 the Court made an order granting said Petition for the condemnation of the property described as follows:

Tracts 52, 54, 58, and 68 of Project No. F-248(17) of the State of Alabama Highway Department, Shelby County, Alabama,

that the Court appointed Robert Dow, Buck Falker, and Charles Seales, each being citizens of Shelby County, Alabama, in which the lands sought to be condemned are situated, who were disinterested and who possessed the qualifications of jurors to assess the damages and compensation to which the Defendants in this cause are entitled; and it appearing to the Court that notice of the appointment of the said Commissioners was issued by this Court to the Sheriff of Shelby County and by said Sheriff served on them as required by law; that said Commissioners were sworn and did thereafter receive all legal evidence offered by the parties relative to the amount of damages the owners of said property will sustain and the amount of compensation to which they are entitled; that the Commissioners did on, to-wit, December 6, 1982 make their report in writing to this Court stating:

Tract 52 - One Thousand and no/100 Dollars (\$1,000.00)

Tract 54 - Nine Thousand One Hundred Seventy-Five and no/100 Dollars (\$9,175.00)

Tract 58 - Five Thousand Four Hundred Seventy-Five and no/100 Dollars (\$5,475.00)

Tract 68 - Eight Thousand Seven Hundred Thirty-Seven and ~~50~~ no/100 Dollars (\$8,737.50)

to be the amount of damages and compensation assessed by them for the taking and condemnation of said property; and it further appearing to the Court that said Commissioners filed a certificate along with their Award stating none of them ~~has ever been~~ ^{has never been} consulted, advised with or approached by any person in reference to the value of the property or

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SHELBY COUNTY JUDGE OF PROBATE
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J. SANFORD MULLINS, III
MARK E. HOFFMAN

December 30, 1982

TELEPHONE
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Probate Court of Shelby County, Alabama
P. O. Box 825
Columbiana, AL 35051

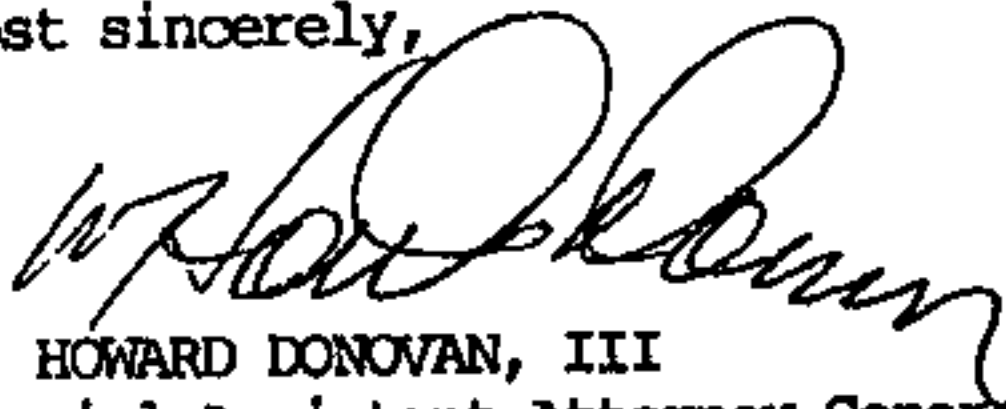
Attention: Pat

Dear Pat:

Re: State of Alabama vs.
Winston M. Henderson, et al.
Tract #57 - James E. Lynn

This is to confirm our telephone conversation of December 27, 1982, wherein I requested that the above-referenced tract be withdrawn from the condemnation proceedings currently pending in the Probate Court of Shelby County, Alabama. After the date that the Petition for Condemnation was filed, Mr. and Mrs. James E. Lynn made a decision to accept the State's offer. Accordingly, they executed a Right-of-Way Deed, which is recorded in the Probate Court records at Real Volume 343, Page 721.

Most sincerely,


W. HOWARD DONOVAN, III
Special Assistant Attorney General

WHD, III/drm

Filed this 3 day of January 1983
THOMAS A. SNOWDEN JR.
Judge of Probate

Book 55 page 185-A

the proceedings to condemn the same prior to the assessment of damages and that they knew nothing of the same prior to their appointment, and the Court having considered and understood all of the hereinabove stated matters, it is, therefore

ORDERED, ADJUDGED, and DECREED by the Court that applicant, the State of Alabama, pay all costs incurred in this cause;

And it further appearing to the Court that the damages and compensation so ascertained and assessed by said Commissioners for the Defendants,

Winston M. Henderson, Alline Henderson, Jimmie Wilson Partridge, Carl Elton Pender, Maybelle Pender, Edward P. Evans, Margaret R. Evans, Faye Quick

have been deposited in this Court;

And it further appearing to the Court that all things necessary and required by the laws of the State of Alabama have been done and performed by the applicant;

It is further ORDERED, ADJUDGED, and DECREED, and is the Judgment of this Court, that the property sought to be condemned by said Petition be condemned, granted, and awarded to the applicant, the State of Alabama, and all right, title, and interest prayed for in said Petition which is now condemned, granted, and awarded to the applicant in and by this Decree, be and the same is hereby divested out of said Defendants and vested in the applicant.

DONE THIS THE 17th day of December, 1982.

Thomas A. Snowden, Jr.
JUDGE OF THE COURT OF PROBATE
Shelby County, Alabama

Filed this 17 day of Dec 1982
THOMAS A. SNOWDEN JR.
Judge of Probate

Inst # 1993-03102

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