

STATE OF ALABAMA
SHELBY COUNTY

IN THE PROBATE COURT OF SHELBY
COUNTY, ALABAMA

TO THE HONORABLE CONRAD M. FOWLER, JUDGE OF SAID COURT:

Now comes the State of Alabama, as Petitioner, and files this, it's application in the Probate Court of Shelby County, Alabama, for an order of condemnation of the lands and properties hereinafter described for public road and highway purposes and, as a basis for the relief herein sought, shows unto the Court as follows:

1. Petitioner is authorized by the Constitution and Laws of the State of Alabama to institute and prosecute this proceeding in it's own name for the purposes herein stated: That the places of residence or post office addresses of the persons or entities against whom this application is filed are of sound mind and who are residents of the State of Alabama, are as follows: Mr. Wayne Hutchison, 532 Overhill Drive, Pelham, Alabama; Mrs. Carolyn Bodiford, City Mobile Home Park, 1501 25th Avenue North, Bessemer, Alabama; Mr. Houston H. Hutchison, Rt. 2, Box 304, Alabaster, Alabama; Johnny H. Hutchison, Rt. 1, Box 196-A, Helena, Alabama; Franky Hutchison, a minor; more than fourteen (14) years of age, % Johnny H. Hutchison, the Legal Guardian of Franky Hutchison, Rt. 1, Box 196-A, Helena, Alabama.

That the following persons and entities against whom this application is filed are over the age of 19 years, are of sound mind and non-residents of the State of Alabama, residing at the addresses hereinafter shown: Mrs. Bessie Stagner, Rt. 2, Newbern, Tennessee.

I certify this to be a true and correct copy
Probate Judge
Shelby County

Filed this 6 day of Feb 1976
CONRAD M. FOWLER
Judge of Probate

02/08/1993-03745
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SHELBY COUNTY JUDGE OF PROBATE
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2. That the State of Alabama is now engaged in the planning or construction of a certain public road or highway, to-wit; leading from Pelham to Cahaba River, in Shelby County, Alabama, said public road or highway to be known or designated as State of Alabama Highway Department Project No: I-65-2(37); that said public road or highway will be a highway, and that part of the property herein sought to be condemned is the respective property-owner's rights and easements of access between the said public road or highway right of way and the said property-owners' remaining real property, if any, as is more specifically described and set out in Paragraph 3 below; that said public road or highway is, or will be, a part of the designated National System of Interstate Highways and will on completion be available for use by the public; that the acquisition of the lands and properties hereinafter described in Paragraph 3 below, including rights of access where applicable and where designated, is necessary to effect said public road or highway, and that said lands and properties will be used after the acquisition thereof to effect said public road or highway; that by reason of the foregoing, the acquisition of the land and property hereinafter described in Paragraph 3 below is in the public interest.

3. That the tract of land necessary for use by Petitioner as a right of way for said public road or highway purposes, and which Petitioner seeks to condemn an easement or right of way in, over, upon, or across for said public road or highway purposes, is more particularly described or designated as the following "Parcel" and that the names and residences of the owners and other parties who claim or who hold any right, title or interest in the said "Parcel" are stated, where known, immediately following the said Parcel, as follows: to-wit:

PARCEL NO: 1

Shelby

and as shown on the
right-of-way map of Project No. I-63-2(37) as recorded
in the Office of the Judge of Probate of Shelby County,
Alabama:

All of the E $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 6, T-20-S, R-2-W
and containing 20.00 acres, more or less, including that
part now occupied by Oak Mountain Park Road.

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THE OWNERS OF PARCEL NO: 1, ARE AS FOLLOWS:

Wayne Hutchison, Mrs. Carolyn Bodiford, Mr. Houston H. Hutchison,
Johnny H. Hutchison, Franky Hutchison, Mrs Bessie Stagner.

4. That Petitioner further shows that diligent search has been made of the records in the Office of the Judge of Probate, of Shelby County, Alabama, and diligent inquiry has been made to ascertain the names, ages, and places of residence of the owners of the land and property herein sought to be condemned and of any other parties who claim or who hold any right, title, or interest therein, and according to the Petitioner's information, knowledge, and belief, the said land and property is owned, claimed, and held by the parties as are named defendants in this proceeding and as set forth in paragraph 3 above, and by no others, and that all of said parties named as defendants are each over the age of nineteen years of age and are each under no legal disability unless and except as stated specifically in said paragraph 3; Petitioner further alleges that the land and property herein sought to be condemned will be devoted, when condemned, to the public road or highway purposes as set forth herein.

5. Petitioner further shows that the said right of way which is sought to be condemned over said tract of land described or designated as Parcel No. 1, is now located and staked out on the ground and is otherwise shown and described by a map or plat or survey made thereof by the State of Alabama Highway Department now on file in the Office of the Judge of Probate of Shelby County, Alabama.

6. That Petitioner further shows that it has made bona fide efforts to agree with the owners and claimants of said land and property described or designated as Parcel No. 1, of Paragraph 3 above as to the damage and compensation to be allowed and paid for said land and property herein sought to be condemned, and that Petitioner has failed to come to any such agreement with said owners and claimants, the defendants in this proceeding, and that

Petitioner has heretofore taken all steps necessary and all proceedings required by Law to initiate this proceeding.

THE PREMISES CONSIDERED, Petitioner prays that this Court will make and enter an order appointing a day for the hearing of this Petition and will cause issuance of notice to the defendants set out in Paragraph 3 above of the filing of said Petition and of the day set for the hearing thereof, all as provided by Law, and that a guardian ad litem be appointed to represent and defend the interest of any defendant hereto who may be under legal disability, as required by Law, and that, upon final hearing of this Petition, this Court will order and decree that Petitioner is entitled to acquire the lands and properties herein sought to be condemned for the public purpose as set out herein, and will appoint Commissioners to ascertain and report the damages occasioned by such taking, as provided by Law, and that upon payment into the Court of the compensation assessed by said Commissioners, a judgment or decree be rendered condemning for public road or highway purposes an easement or right of way in, over, upon or across said tract of land described as Parcel No. 1, of paragraph 3 above, to effect said public road or highway, and that this Court will make and enter in this proceeding all such other and further orderes and decrees as may be necessary or proper in the premises.

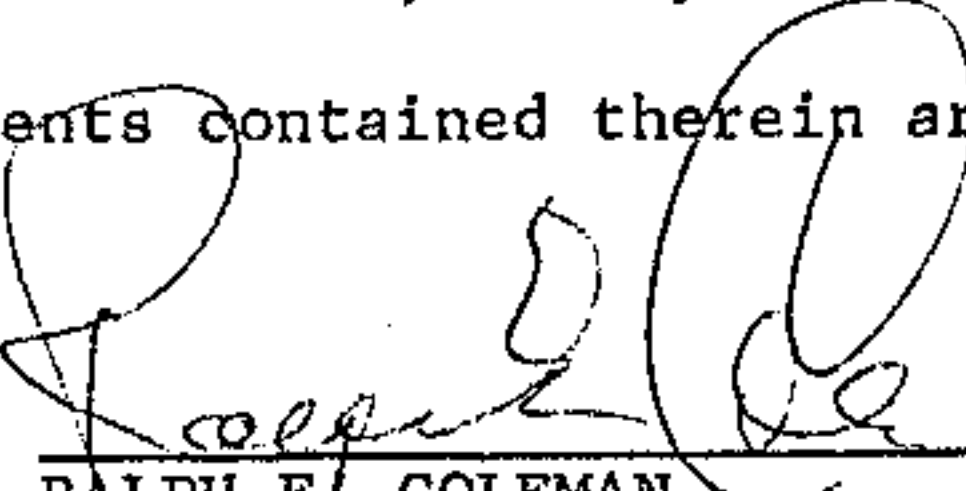
STATE OF ALABAMA

BY: 

RALPH E. COLEMAN, As Special
Assistant Attorney General for
The State of Alabama.

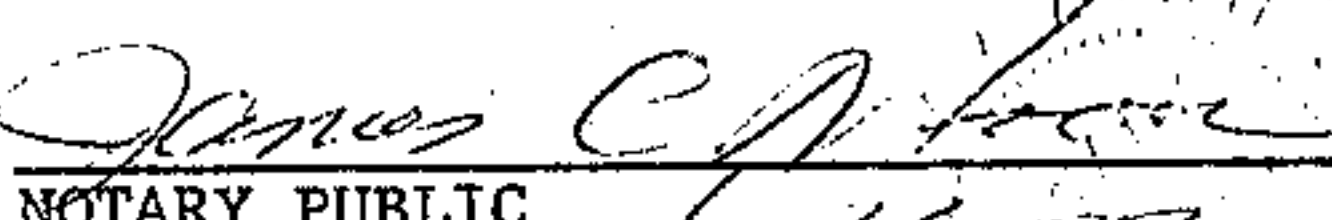
STATE OF ALABAMA
SHELBY COUNTY

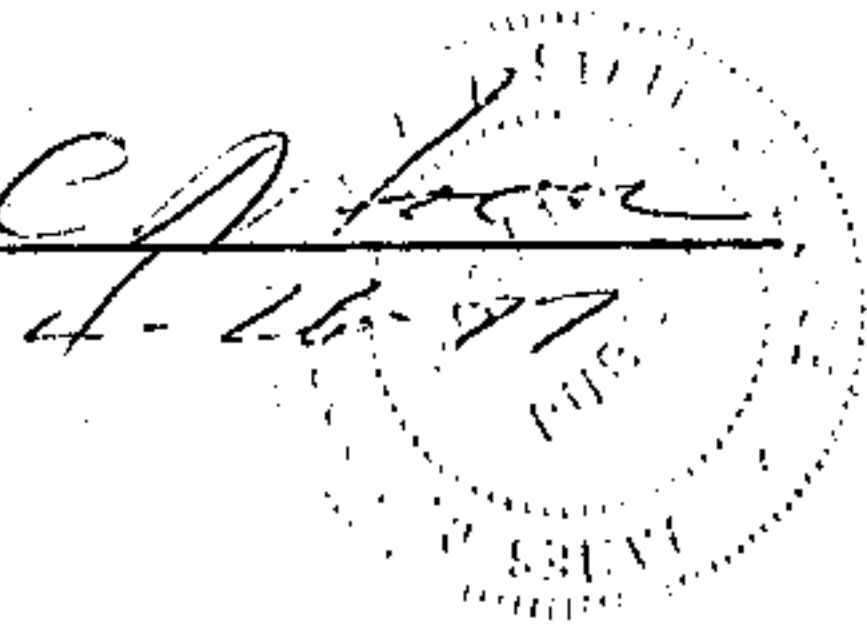
Before me, the undersigned authority in and for said County, in said State, personally appeared Ralph E. Coleman, who is known to me and who, being by me first duly sworn, deposes and says on oath that he is a Special Assistant Attorney General for the State of Alabama and as such is authorized to make this affidavit; that affiant has read the above Application for Orders of Condemnation, and that affiant is informed and believes, and upon such information, and belief, says that the averments contained therein are true.


RALPH E. COLEMAN
Special Assistant Attorney General
State of Alabama

Sworn to and subscribed before me this the 5th day of

Feb, 1976.


NOTARY PUBLIC



Inst # 1993-03745

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