

STATE OF ALABAMA
Appellee
vs.
M.B. LAWLEY
Appellant

CONDEMNATION

CIVIL CASE NO. CV-83-034
Certified a true and complete copy

Dan Reeves
Register of Circuit Court

On this the 4th day of April, 1983, Order on Pre-trial Hearing filed. Case set for trial August 11, 1983
s/R. Armstrong, Jr.

On this the 2nd day of August, 1983, At the request of the State, Case continued to September 26, 1983
s/R. Armstrong, Jr.

On this the 31st day of October, 1983 Order of Condemnation as shown by separate paper this day filed
s/ R. Armstrong, Jr.

ORDER OF CONDEMNATION

THIS CAUSE being set for trial came on for hearing on the 26th day of September, 1983, and came into Court the Applicant, State of Alabama, by its Attorney, W. Howard Donovan, III, and also came the Respondent, M. B. Lawley, and his attorney of record, and all other Respondents having failed to answer, plead or demur to said application for Condemnation heretofore filed in this cause, after having been duly cited of the filing of the same; the Court is of the opinion and finds that it has jurisdiction of the cause and the parties.

THEREUPON the Court proceeded to hear the allegations of the Application for Order of Condemnation as filed in said cause, and upon consideration of said Application and the stipulation of the parties made in open court and the evidence in support thereof, it is ORDERED, ADJUDGED and DECREED, and it is the judgment of the Court that said Application for the Condemnation of the fee simple ownership of the lands described in

Inst. # 1993-04136
02/11/1993-04136
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SHREVE COUNTY JUDGE OF PROBATE
9.00
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Exhibit A for public road purposes and the same is hereby granted, and awarded in fee simple title to, in, over, on and upon said lands; and said lands and all interest therein sought to be acquired be and the same are hereby condemned for the uses and purposes stated and sought in the said Application for Order of Condemnation filed herein.

THEREUPON, a jury having been demanded to assess the damages and compensation to which the owner of said land is entitled, the Court proceeded to have a jury assess the damages and compensation to which the owner of said land is entitled for the condemnation of said lands, and on the 26th day of September, 1983, came a jury of twelve good and lawful men, to-wit: Marlin Allen, Foreman, and eleven others, who being duly impaneled and sworn according to law, upon their oath, do say:

"We, the jury, assess the damages in favor of Defendant in the sum of \$20,400.00.
Marlin Allen, Foreman"

And now comes the Applicant, State of Alabama, by its Attorney and shows unto the Court that it has heretofore in the said case, deposited with the Judge of Probate of Shelby County, Alabama, the total sum of Twelve Thousand Five Hundred Fifty and no/100 Dollars (\$12,550.00) for damages and compensation for the condemnation of said lands, which said sum has been by said Judge of Probate paid to the Clerk of this Court.

And it being further shown unto the Court that the Respondent is due to receive interest in the amount of the jury award from the date of taking, to-wit: September 17, 1982 through September 26, 1983 at the rate of 6% per annum, which amounts to \$1,254.15, making the total award to the Respondent \$21,654.15.

NOW, THEREFORE, on Motion of the Applicant, State of Alabama, it is ORDERED, ADJUDGED and DECREED, and it is the judgment of the Court that the lands sought by the Applicant, State of Alabama, to be condemned in fee simple, to-wit:

(See Attached Exhibit "A")

for the public road purposes and use be and the same is hereby condemned, granted and awarded Applicant upon payment of said award and costs to the Clerk of this Court, and said land and land and all interest therein sought to be acquired herein be and the same are hereby condemned, granted and awarded in fee simple to the Applicant, State of Alabama as conditioned hereinabove, together with the right and authority to clear and remove from said lands any and all improvements situated thereon, and the right and authority to exercise complete use and control of said lands.

IT IS FURTHER ORDERED, ADJUDGED and DECREED and it is the judgment of the Court that the cost of Court in this cause incurred be and the same is hereby suspended.

DONE and ORDERED this the 31st day of October, 1983.

s/ R. Armstrong, Jr.
Circuit Court Judge

TRACT NO. 47 of PROJECT NO. F-248(17) of the State of Alabama Highway Department, Shelby County, Alabama, being more particularly described as follows:

Commencing at the southeast corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 34, T-19-S, R-2-E; thence northerly along the east line of said SW $\frac{1}{4}$ of NW $\frac{1}{4}$ a distance of 391 feet, more or less, to the present northeast right-of-way line of a paved county road; thence northwesterly along said present northeast right-of-way line a distance of 361 feet, more or less, to the southeast line of the present northeast right-of-way line and the point of beginning; thence continuing northwesterly along said present northeast right-of-way line a distance of 252 feet, more or less to the present southwest right-of-way line of U. S. Highway No. 280; thence southeasterly along said present southwest right-of-way line a distance of 250 feet, more or less, to the southeast property line; thence southwesterly along said southeast property line a distance of 102 feet, more or less, to the point of beginning.

Said strip of land lying in the SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 34, T-19-S, R-2-E and containing 0.29 acres, more or less.

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SHELBY COUNTY JUDGE OF PROBATE
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