

STATE OF ALABAMA  
Plaintiff  
vs.  
NEAL C. MORGAN  
Defendant

CONDEMNATION

CASE NO. L-1011-76

ORDER AND DECREE OF CONDEMNATION

This cause coming on to be heard before the Court on appeal from the Order of Condemnation made and entered in the Probate Court of Shelby County on the 6th day of December, 1976, and all parties to this proceeding were present by and through their attorneys of record. 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 or petition for Order of Condemnation, and upon consideration of said application and the testimony introduced in support thereof, it is the opinion and judgment of the Court that the allegations of the said petition are true and that it is necessary that the property hereinafter described be condemned of the plaintiff for Order of Condemnation should be granted.

It is therefore, CONSIDERED, ORDERED, ADJUDGED and DECREED by the Court, and it is the judgment of the Court that the application or petition for the condemnation of the fee title to the following described parcels of property, for public road or highway purposes, with the right to remove all improvements, trees, undergrowth and other obstructions situated on said lands, the right to prevent any persons from placing or maintaining any obstruction on said lands, and also the right to enter upon said lands for the purpose of constructing, maintaining and repairing the public improvements constructed or installed thereon, thereover, or thereunder, be and the same hereby is granted and allowed, and the lands and all interest in lands sought to be acquired be and the same hereby are condemned for the uses and purposes set out in said petition or application for Order of Condemnation.

WHEREAS, the plaintiff, by its attorney, showed unto the Court that it heretofore deposited with the Judge of Probate of Shelby County, Alabama the sum of EIGHT THOUSAND, NINE HUNDRED (\$8,900.00) DOLLARS, as damages and compensation for the condemnation of the lands and interest in lands herein-after described which said sum was transferred and delivered by the Judge of Probate of Shelby County, Alabama, to the Clerk of this Court, and now has possession of said funds, and

WHEREAS, all of the parties did consent and agreed that the fair market value of the properties described in the application for order of condemnation in this cause is the sum of EIGHT THOUSAND, FOUR HUNDRED (\$8,400.00) DOLLARS and

WHEREAS, the court finds that the fair market, value of the property and the rights being taken is the sum of EIGHT THOUSAND, FOUR HUNDRED (\$8,400.00) DOLLARS, and

WHEREAS, the Court finds that the sum of SIX THOUSAND, SIX HUNDRED, SEVENTY-FIVE AND 00/100 (\$6,675.00) DOLLARS was previously paid to the defendants Neal C. Morgan, by the Clerk of the Court for the lands taken and condemned in this cause, and

WHEREAS, the Court finds that the difference between the agreed fair market value, as herein set out, and the amount previously withdrawn by the Defendants, as herein set out, is the sum of ONE THOUSAND, SEVEN HUNDRED, TWENTY FIVE AND 00/100 (\$1,725.00) DOLLARS, and

WHEREAS, the Court finds that the Defendants are entitled to interest in the sum of THIRTY and 90/100 (\$30.90) DOLLARS, and

WHEREAS, the Court finds that the total amount remaining to be paid to the Defendant is the sum of ONE THOUSAND, SEVEN HUNDRED, FIFTY-FIVE and 90/100 DOLLARS (\$1,755.90) DOLLARS, and

WHEREAS, the Plaintiff is entitled to a refund of the difference between Eight Thousand, Nine Hundred and 00/100 (\$8,900.00) Dollars paid into Court and the sum of Eight Thousand, Four Hundred, Thirty and 90/100 (\$8430.90) Dollars, or a total of Four Hundred, Sixty-nine and 00/100 (\$469.10) Dollars, less costs of Court in this cause accrued, the Clerk of this Court being hereby authorized

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and directed to deduct said court costs from said sum of Four Hundred, Sixty-nine and 10/100 (\$469.10) Dollars and pay the remaining balance to the State of Alabama.

Upon payment of the award and costs in this proceeding by the Plaintiff in this cause, the hereinafter described lands and interest in lands are hereby condemned and awarded to the plaintiff.

IT IS FURTHER ORDERED AND ADJUDGED by the Court that the plaintiff, State of Alabama, be and hereby is given and awarded the hereinafter described lands, together with the right to remove all improvements, trees, undergrowth, and other obstructions situated on said lands and the right to prevent any persons from placing or maintaining any obstructions on or upon said lands and also the right to enter upon said lands for the purpose of constructing, maintaining and repairing the public road, or highway for which said land is sought in the petition or application to the extent that said easements of access are shown to be condemned on the current right of way map of the State of Alabama.

IT IS FURTHER ORDERED AND DECREED that title to the property hereinafter described be and the same hereby is divested out of the Defendants and hereby is vested in the Petitioner, State of Alabama, said property being particularly described as follows:

A tract of land designated as Parcel 1, Tract 36-B, said property described being attached hereto as Exhibit "A" and by reference hereto being made a part hereof.

DONE AND ORDERED this 8th day of March, 1977.

s/ James H. Sharbutt  
Circuit Judge

Exhibit "A"

PARCEL NO. 2

Commencing at the southwest corner of the NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 31, T-19-S, R-2-W; thence easterly along the south line of said NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , a distance of 540 feet, more or less, to a point that is 100 feet northwesterly of and at right angles to the centerline of Alabama Highway No. 119 and the point of beginning of the property herein to be conveyed; thence northeasterly, parallel to the centerline of said highway, a distance of 418 feet, more or less, to the northeast property line; thence southeasterly along said northeast property line, a distance of 60 feet, more or less, to the present northwest right-of-way line of said highway; thence southwesterly along said present northwest right-of-way line, a distance of 698 feet, more or less, to a point that is northwesterly of and at right angles to the centerline of said highway at Station 27+00; thence northeasterly along a straight line, a distance of 116 feet, more or less, to a point that is 100 feet northwesterly of and at right angles to the centerline of said highway at Station 28+00; thence northeasterly, parallel of the centerline of said highway, a distance of 180 feet, more or less, to the point of beginning.

Said strip of land lying in the W $\frac{1}{2}$  of SE $\frac{1}{4}$ , Section 31, T-19-S, R-2-W, and containing 0.89 acres, more or less.

THE OWNERS OF PARCEL NO. 2 ARE AS FOLLOWS:

Neal C. Morgan

Filed on Office this the 8th day  
of March, 1977.  
Kyle Lansford  
Clerk of Circuit Court  
Shelby County, Alabama

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