

STATE OF ALABAMA)
Plaintiff,)
vs.)
HAROLD R. WALKER; FRANCES J. WALKER)
Defendants.)

CIVIL CASE NO. CV-83-164

CONDEMNATION

On this the 23rd day of August, 1983, Pretrial order filed as agreed to by Counsel & the Court.

s/ K. Ingram, J.

On this the 3rd day of October, 1983, Continued to December 5, 1983, at 9:00 A.M. for trial.

s/ R. Armstrong

On this the 6th day of December, 1983, Jury and verdict finding for defendant and assessing damages of \$62,351.00. Judgment order to be filed by separate paper.

s/ K. Ingram, J.

On this the 13th day of December, 1983, Order and Decree of Condemnation as shown by separate paper this day filed.

s/ K. Ingram, Judge

ORDER

THIS CAUSE was commenced on December 1, 1982, in the Probate Court of Shelby County, Alabama, by filing an application to condemn the property hereinafter described under and pursuant to Section 23-1-5 and 23-3-5 of the Code of Alabama, 1975. The case came on for trial in this Court on the 5th day of December, 1983, on appeal from the Order of Condemnation made and entered in the Probate Court of Shelby County, Alabama, on May 9, 1983. The parties to this proceeding came into open Court in their own persons and by their attorneys of record, entered an unqualified appearance and all parties announced ready for trial. 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, 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 application are true and that it is necessary that the property hereinafter described be condemned for the uses and purposes as prayed in said petition and the said Application for Order of Condemnation should be and is hereby granted. The parties have, by and through their attorneys of record, further stipulated that the said Application should be granted and that the owners of the property herein described as set forth in the petition are the true and correct owners and that the only issue to be resolved in the trial of this cause is the issue fixing the just compensation to be awarded to the owners.

THEREUPON, a jury having been legally demanded in said cause, the Court proceeded to have assessed by a jury the damages and compensation to which the several Defendants are entitled for the condemnation of the property set out and described in said Application.

THEREUPON, on December 6, 1983, a jury of good and lawful persons, to-wit, Charles M. Cox, forman, and eleven (11) others who, being duly impaneled and sworn according to law, upon their oath do say: "We, the jury, hereby assess and fix the damages and compensation to the owner(s) of the property described in the Application for Order of Condemnation at Sixty-two Thousand, Three Hundred Fifty-one Dollars (\$62,351.00)."

Now comes the Plaintiff by its attorney and shows unto the Court that it has heretofore deposited with the Judge of Probate of Shelby County, Alabama, the sum of Forty-six Thousand, Five Hundred Two and 50/100 Dollars (\$46,502.50) as damages and compensation for the condemnation of the lands and interests in lands hereinafter described, which said sum has been transferred and delivered by the Judge of Probate of Shelby County, Alabama, to the Clerk of this Court, who now has possession of said funds.

During the pendency of this cause in the Circuit Court, and on July 18, 1983, by agreement of the parties, an order was entered permitting the Defendants to withdraw the sum of Forty Thousand, Three Hundred Dollars (\$40,300.00), which said sum was paid by the Clerk of this Court to said Defendants pursuant to said Order, leaving the sum of Six Thousand, Two Hundred Two and 50/100 Dollars (\$6,202.50). On July 18, 1983, on motion of the State, and by agreement of the parties, an Order was entered in this cause directing the Clerk of this Court to invest the balance of Six Thousand, Two Hundred Two and 50/100 Dollars (\$6,202.50). Pursuant to said Order, the balance of Six Thousand, Two Hundred Two and 50/100 Dollars (\$6,202.50) has been invested by the Clerk of this Court in treasury bills, certificates or bonds, certificates of deposit or savings accounts.

It is hereby ORDERED, ADJUDGED AND DECREED by the Court that the Clerk of this Court is hereby authorized and directed to pay to the Defendants the sum of Twenty-two Thousand, Fifty-one Dollars (\$22,051.00) which, together with the sum of Forty Thousand, Three Hundred Dollars (\$40,300.00) previously paid, is the amount of the final award in this cause. It is further ordered by the Court that the total interest earned on the investment as heretofore ordered be paid to the Defendants. In addition thereto, the additional sum of Nine Hundred Sixty-three and 92/100 Dollars (\$963.92) is hereby awarded to the Defendants as interest. Plaintiff is directed to pay into the Court the additional sum of Sixteen Thousand, Eight Hundred Twelve and 92/100 Dollars (\$15,812.42). The costs in this cause are hereby taxed against the Plaintiff, the State of Alabama for which let execution issue.

Certified a true and complete copy

Don Reeves, Jr.
Register of Circuit Court

1983-08444

03/23/1998-08444
02:50 PM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE

002 NOT

9.00

3

It is further ORDERED, ADJUDGED AND DECREED by the Court that Plaintiff, and State of Alabama, be and is hereby given and awarded, and there is hereby transferred and conveyed to Plaintiff, the State of Alabama, the hereinafter described lands, for the uses and purposes sought in the Application.

It is further ORDERED, ADJUDGED and DECREED that jurisdiction is retained of this cause under Title 18-1-29, 1975 Code of Alabama, to make any necessary distribution or apportionment of funds among the parties or Defendants. Said lands being condemned are as follows:

Said property is shown on the right-of-way map of Project No. RS-5936(102) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

Commencing at the Northwest corner of the NE 1/4 of NE 1/4, Section 16, Township 19 South, Range 3 West; thence easterly along the north line of said NE 1/4 of NE 1/4 a distance of 1043 feet, more or less, to the present southeast right of way line of Alabama Highway No. 261; thence southwesterly along said present southeast right of way line a distance of 432 feet, more or less, to the northeast line of the property herein to be conveyed and the point of beginning; thence southeasterly along the northeast property line a distance of 45 feet, more or less, to point on a line which extends from a point that is 50 feet southeasterly of and at right angles to the centerline of construction on Project No. RS-5936 (102) at Station 242+40.79 to a point that is 60 feet southeasterly of and at right angles to said centerline of construction at Station 240+00; thence southwesterly along said line a distance of 48 feet, more or less, to said point that is 60 feet southeasterly of and at right angles to said centerline of construction at Station 240+00; thence southwesterly along a line a distance of 256 feet, more or less, to a point that is 55 feet southeasterly of and at right angles to said centerline of construction at Station 237+50; thence southerly along a line a distance of 25 feet, more or less, to a point on the present northeast right of way line of Alabama Highway No. 275 that is northeasterly of an at right angles to the Traverse of said Alabama Highway No. 275 at Station 9+00; thence northwesterly along said present northeast right of way line a distance of 75 feet, more or less, to the present southeast right of way line of Alabama Highway No. 261; thence northeasterly along said present southeast right of way line a distance of 308.03 feet to the point of beginning.

Said strip of land lying in the NE 1/4 of NE 1/4, Section 36, Township 19 South, Range 3 West, and containing 0.37 acres, more or less.

The owners of said parcel to whom the funds to the extent provided, are to be paid are Harold R. Walker and wife, Frances J. Walker; and Angelle Quindt, as Tax Collector, unless waiver is filed by her.

DONE and ORDERED this the 13th day of December, 1983.

03/29/1993-08444
02:50 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 MCB
s/ Kenneth F. Ingram
CIRCUIT JUDGE