

STATE OF ALABAMA

CASE NO. L-954-76

VS.

Plaintiff

Condemnation

LILLIE BELL GENTRY

Defendant

On this the 4th day of February, 1977, Continued to next court term.

s/ James H. Sharbutt, Circuit Judge

On this the 2nd day of September, 1977, Case set for pre-trial conference at 10:30 A.M. on September 21, 1977.

s/ James H. Sharbutt, Circuit Judge

On this the 21st day of September, 1977, Pre-trial Order to be filed within 10 days. (Oliver P. Head)

s/ James H. Sharbutt, Circuit Judge

On this the 3rd day of October, 1977, Order on Pre-trial hearing filed.

s/ James H. Sharbutt, Circuit Judge

On this the 16th day of December, 1977, This case is continued due to the death of Buel Johnson, who is a material witness in this case and who would testify as to the appraised value of the property.

s/ K. Ingram, Judge

On this the 6th day of March, 1978, Set for trial March 27, 1978 at 9:00 A.M.

s/ James H. Sharbutt, Circuit Judge

On this the 29th day of March, 1978, Judgment by consent in favor of the Defendant, Lillie Bell Gentry, in the sum of \$9,000.00 and cost of court. It is, further agreed by the parties that the Court will report whatever interest if any, is due and owed the defendant.

s/ James H. Sharbutt, Judge

FINAL JUDGMENT OF CONDEMNATION

This cause came to be heard on this date on appeal from the Order of Condemnation made and entered in the Probate Court of Shelby County, Alabama, on the 13th day of October, 1976. The attorneys of record for the parties hereto have made known to the Court that the parties hereto have agreed that the allegations in the petition of the plaintiff are true and that it is necessary that the property hereinafter described be condemned for the uses and purposes stated in said petition, and that the petition of the Plaintiff for order of condemnation be granted. Furthermore, the parties hereto through their attorneys of record have made known to the Court that the parties are in agreement as to the amount of damages and compensation to be awarded the defendant.

Whereupon, the Court is of the opinion and finds that it has jurisdiction of this cause and the parties, and it is therefore, considered, ordered, adjudged and decreed by the Court that the petition or application for the condemnation of an easement or right of way in, over, on, and upon the hereinafter described lands, together with the right to remove all improvements, trees, undergrowth, and other obstructions situated on said lands, the right to prevent any person 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, planned, constructed or installed therefor, thereon, or thereover, be, and the same hereby is granted and allowed, and all of ^{the} interest in lands sought to be acquired in said petition be, and the same are hereby condemned for the uses and purposes set out in said petition or application for Order of Condemnation.

And now come the plaintiff and the defendant, and with leave of court granted, withdraw their respective demands for a trial by jury in this cause.

And now comes the petitioner or plaintiff by her attorney of record and shows unto the Court that it has heretofore deposited with the Judge of Probate of Shelby County, Alabama, the sum of \$8,000.00 as damages and compensation for condemnation of the lands and interest in lands herein-after 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 has heretofore and pursuant to the order of this court entered in this cause on the 28th day of February, 1977, paid therefrom to the defendant the sum of \$5,217.00 and that said clerk presently holds the remaining sum of \$2783.00 on deposit in this cause.

Certified a true and complete copy

Dan Reeves, Jr.
Register of Circuit Court

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SHELBY COUNTY JUDGE OF PROBATE
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And now come the plaintiff, State of Alabama, through its attorney and the defendant, Lillie Bell Gentry, through her attorney, and all consent and agree that the fair market value of the property described in the petition or application for order of condemnation in this cause in the sum of \$9,000.00, and that the difference between the said fair market value and the amount previously withdrawn by the defendant is the sum of \$3783.00, and further, that the defendant is entitled to interest thereon in this cause in the amount of \$330.83.

It is therefore, considered, ordered, adjudged and decreed by the Court and the court finds as fact, that the fairmarket value of the property and the rights being taken in this cause is the sum of \$9,000.00, as agreed upon by the parties, and that the total amount remaining to be paid to the defendant in this cause is said sum plus interest, or the sum of \$9330.83 less said amount of \$5217.00 previously withdrawn, or the sum of \$4113.83.

It is further ordered, adjudged and decreed by the Court that the defendant is entitled to have and receive of the Clerk the said sum of \$4113.83, as damages and compensation in this cause. Furthermore, the cost of court are taxed to the plaintiff in this cause.

Upon pay ment of the award and costs in this proceeding by the plaintiff in this cause, the hereinafter described lands and interest in said lands are hereby condemned and awarded to the plaintiff for the uses and pruposes as stated in said petition or application of condemnation.

It is further ordered, adjudged and decreed by the Court that the petitioner, 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, 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 planned, or constructed or installed therefor, thereon, or thereover, to the extent that said easements are shown to be condemned on the current right of way map of the State of Alabama.

It is further considered, ordered, adjudged and decreed that the title to the property hereinafter described be, and the same is hereby divested out of the defendant and hereby is vested in the petitioner, State of Alabama, said property being described as follows:

A tract of land designated as Tract No. 7, said property description being attached hereto as Exhibit "A" and by reference hereto being made a part hereof.

DONE AND ORDERED This 15th day of March, 1978.

s/ James H. Sharbutt
Circuit Judge

EXHIBIT "A"
PARCEL NO. 3

SHELBY

TRACT NO. 7

Shelby

and as shown on the right of way map of Project No. I-65-2(37) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

Commencing at the northeast corner of Section 24, T-20-S, R-3-W; thence westerly along the north line of said Section 24, a distance of 135 feet, more or less, to the present southeast right-of-way line of Shelby County Road No. 35; thence southwesterly along said present southeast right-of-way line, a distance of 410 feet, more or less, to a point that is 163 feet northeasterly of and at right angles to the centerline of a service road and the point of beginning of the property herein to be conveyed; thence southerly along a straight line, a distance of 102 feet, more or less, to a point that is 115 feet northeasterly of and at right angles to the centerline of said service road at Station 27+25; thence southeasterly, parallel to the centerline of said service road, a distance of 258 feet, more or less, to the south property line; thence westerly along said south property line (crossing the centerline of said service road at approximate Station 25+30) a distance of 342 feet, more or less, to the present southeast right-of-way line of said County Road No. 35; thence northeasterly along said present southeast right-of-way line (crossing the centerline of said service road at approximate Station 27+30) a distance of 295 feet, more or less, to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 24, T-20-S, R-3-W and containing 1.16 acres, more or less.

THE OWNERS OF PARCEL NO. 3 ARE AS FOLLOWS: Lillie Bell Gentry and Eugene Gentry.

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