

On this the 12th day of October, 1977, Dismissed as per stipulation of counsel for the parties. Cost paid.

s/ James H. Sharbutt, Judge

STATE OF ALABAMA

Plaintiff

vs.

CONDEMNATION

COY M. BRASHER and
MARGARET A. BRASHER

Defendants

CASE NO. L-926-76

On this the 30th day of November, 1976, Pre-trial Order this day filed.

s/ James H. Sharbutt, Circuit Judge

On this the 6th day of July, 1977, Set for trial August 8, 1977 at 9:00 A.M.

s/ James H. Sharbutt, Circuit Judge

On this the 8th day of August, 1977, Continued to next court term.

s/ James H. Sharbutt, Circuit Judge

On this the 7th day of September, 1977, Set for trial at 9:00 A.M. October 3, 1977.

s/ James H. Sharbutt, Circuit Judge

On this the 6th day of October, 1977, Judgment by consent in favor of the defendants and against the State of Alabama for the sum of \$10,000.00 and cost of Court.

s/ James H. Sharbutt, Judge

ORDER AND DECREE OF CONDEMNATION

This cause came on for trial on the 5th day of October, 1977, on appeal from the Order of Condemnation made and entered in the Probate Court of this County on the 19th day of August, 1976. The parties to this proceeding came into open Court in their own persons and by their attorneys of record, entered unqualified appearances, 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 or petition for order of condemnation, and, upon consideration of said application and the testimony introduced in support thereof, and upon consideration of the Stipulation by and between the parties which is a part of the Order on Pre-Trial Hearing in this cause, 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 for the uses and purposes stated in said petition, and that the application of the petitioner 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 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 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 or thereover, be, and the same hereby is, granted and allowed, and the lands and all interest in the lands sought to be acquired by,

Certified a true and complete copy

Dan Reeves, Jr.
Register of Circuit Court

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and the same hereby are, condemned for the uses and purposes set out in said petition or application for order of condemnation.

And now comes the Petitioner 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 Eight Thousand Five Hundred and No/100 (\$8,500.00) Dollars, as damages and compensation for the condemnation of the lands and interest in lands hereinafter described, which said sum has been transferred and delivered by the Judge of the Probate Court of Shelby County, Alabama, to the Clerk of this Court, who has heretofore paid therefrom the sum of Five Thousand and No/100 (\$5,000.00) Dollars to the Defendants, Coy M. Brasher and wife, Margaret A. Brasher, pursuant to an order of this Court entered in this cause on the 4th day of October, 1976, and that said Clerk presently holds the remaining sum of Three Thousand Five Hundred and No/100 (\$3,500.00) Dollars on deposit in this cause.

And now comes the Plaintiff and the Defendants, in their own person, and through their attorneys, and all consent and agree that the fair market value of the property as described in the application for order of condemnation in this cause is the sum of Ten Thousand and No/100 (\$10,000.00) Dollars and that the Defendants are entitled to interest thereon in this cause in the amount of Three Hundred Thirty Nine and 45/100 (\$339.45) Dollars, and that consequently, said Defendant are now entitled to have and recover of the Plaintiff in this cause the sum of Five Thousand Three Hundred Thirty Nine and 45/100 (\$5,339.45) Dollars, said sum being the difference between said agreed fair market value plus interest and the amount previously withdrawn by said Defendants.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED, AND DECREED by the Court, and the Court finds as fact, that the fair market value of the property and rights being taken in this cause is the sum of Ten Thousand and No/100 (\$10,000.00) Dollars, as agreed upon by the parties, and that the total amount remaining to be paid to the Defendants in this cause is the sum of Five Thousand Three Hundred Thirty Nine and 45/100 (\$5,339.45) Dollars, and further, the Plaintiff is ordered and directed to pay the additional sum of One Thousand Eight Hundred Thirty Nine and 45/100 (\$1,339.45) Dollars, being the difference between said sum of Five Thousand Three Hundred Thirty Nine and 45/100 (\$5,339.45) Dollars, which the Defendants are entitled to recover and said sum of Three Thousand Five Hundred and No/100 (\$3,500.00) Dollars which the Clerk has on deposit in this cause, and further, that the costs of this proceedings be, and the same are hereby, taxed against the Petitioner.

IT IS FURTHER CONSIDERED, ORDERED, ADJUDGED, AND DECREED by the Court that the Defendants are entitled to have and receive of the Clerk of this Court said sum of Five Thousand Three Hundred Thirty Nine and 45/100 (\$5,339.45) Dollars as damages and compensation in this cause, upon payment into Court of said sum of One Thousand Eight Hundred Thirty Nine and 45/100 (\$1,339.45) Dollars by the Plaintiff.

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

IT IS FURTHER ORDERED AND ADJUDGED by the Court that the Petitioner or 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 obstruction 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 vested in the Petitioner or Plaintiff, State of Alabama, said property being particularly described as follows:

A tract of land designated as Tract No. 39 being attached hereto as Exhibit "A" and by reference hereto being made a part hereof.

DONE AND ORDERED this 6th day of October, 1977.

s/ James H. Sharbutt
Circuit Judge

SHELBY

TRACT NO. 39

Shelby

And as shown on the right-of-way map of Project No. F-214(19) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

Commencing at the southeast corner of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 17, T-19-S, R-1-W.; thence northerly along the east line of said SW $\frac{1}{4}$ of SE $\frac{1}{4}$, a distance of 473 feet, more or less, to the present northwest right-of-way line of Shelby County Road No. 41; thence southwesterly along said present northwest right-of-way line, a distance of 540 feet, more or less, to a point that is northwesterly of and at right angles to the centerline of said road at Station 14+50 and the point of beginning of the property herein to be conveyed; thence continuing southwesterly along said present northwest right-of-way line, a distance of 430 feet, more or less, to the present northeast right-of-way line of U.S. Highway No. 280; thence northwesterly along said present northeast right of way line, a distance of 150 feet, more or less, to the northwest property line; thence northeasterly along said northwest property line, a distance of 103 feet, more or less, to a point that is 150 feet northeasterly of and at right angles to the centerline of Project No. F-214(19); thence S 31° 33' 44" E, parallel to the centerline of said project, a distance of ? feet, more or less, to a point that is 150 feet northeasterly of and at right angles to the centerline of said project at Station 367+30; thence southeasterly along a straight line, a distance of 155 feet, more or less, to a point that is 65 feet northwesterly of and at right angles to the centerline of Shelby County Road No. 41 at Station 17+ ? ; thence northeasterly along a straight line, a distance of 308 feet, more or less, to the point of beginning.

Said strip of land lying in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 17, T-19-S, R-1-W and containing 0.51 acres, more or less.

Coy M. & Margaret A. Brasher
Tract No. 39
March 17, 1975.

Inst # 1993-08465

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