


IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

STATE OF ALABAMA,
Plaintiff

VS.

JEANNIE M. MAHAFFEY, Owner of the fee, et al.
Defendants

Case No. 42-276


20040116000031800 Pg 1/20 68.00
Shelby Cnty Judge of Probate, AL
01/16/2004 15:45:00 FILED/CERTIFIED

**DECREE GRANTING CONDEMNATION
AND APPOINTING COMMISSIONERS**

This cause came on to be heard on the 14th day of November, 2002, upon the Complaint of the State of Alabama, to condemn certain lands or interests in lands for public road or highway purposes.

And it further appearing to the Court that all defendants who are named in the Complaint have had notice of the filing of the Complaint and of the day set for hearing thereof, as provided by law;

Thereupon, the Court proceeded to hear on the 14th day of November, 2002, the allegations of the Complaint and responsive pleadings filed by the defendants and all evidence thereon offered by the parties, and upon consideration of the same the Court now determines that the allegations of the Complaint have been established and proven by legal evidence as to every party named therein, (with the exception of Bank of America which was dismissed in open court on November 14, 2002 and U.S. Department of Agriculture which was dismissed by motion filed July 30, 2002), and that the Complaint should be granted.

A Default Judgment is hereby entered against Jeannie M. Mahaffey for her failure to appear.

It is, therefore, ORDERED, ADJUDGED and DECREED that the Complaint be and the same is hereby granted as to all parties named therein (with the exception of those previously dismissed). And the Court now coming to appoint commissioners to assess the damages and compensation to which the defendants are entitled for the structures, lands or interest in lands sought to be condemned by the plaintiff, and it appearing to the Court that Jim Strickland, Eddy Jowers and Corley Ellis, are citizens of Shelby County, Alabama, the county in which the structures and lands sought to be condemned are located, and that each of them possesses the qualifications of jurors under the laws of the State of Alabama and is disinterested in the proceeding;

It is, therefore, ORDERED, ADJUDGED and DECREED that Jim Strickland, Eddy Jowers, and Corley Ellis are hereby appointed commissioners to assess the damages and compensation to which the defendants, as owners and parties holding or claiming some interest in the lands described in the Complaint are entitled.

Ayn Sadberry
6509 EJ Oliver Blvd.
B'ham, AL 35264

Decree Granting Condemnation and Appointing Commissioners

42-276

Page 2

It is further ordered that notice of the appointment of the commissioners be served upon each of such commissioners and that they report to this Court, in writing, the amount of damages and compensation so ascertained and assessed by them as being due said owners of, or the owners of an interest in, said structures and lands within the time prescribed by law.

DONE and ORDERED this the 5 day of December, 2002.



PATRICIA YEAGER FUHRMEISTER
Judge of Probate

cc: Jeannie M. Mahaffey
Bank of America
Jack Hood, Esq.
Ayn Traylor-Sadberry, Esq.
U. S. Department of Agriculture
Annette D. Skinner

ENTERED AND FILED

DEC 05 2002

Kimberly Melton, Chief Clerk
Probate Court
Shelby County, Alabama

EXHIBIT A

Part of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 4, T-24-N, R-12-E, identified as Tract No. 1 on Project No. BR-458(6) in Shelby County, Alabama and being more fully described as follows:

Commencing at the Northeast Corner of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$, thence west along the north line of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$ a distance of 232.77 feet to the existing west right of way line of State Route 119; thence southerly along said existing west right of way line a distance of 84.84 feet to the north property line and the point of beginning of the property herein to be conveyed; thence continue southerly along said existing west right of way line a distance of 100.30 feet to a point that is 24.44 feet westerly of and at right angles to the centerline of said State Route 119 at Station 11+31.58 and the south property line; thence west along said south property line a distance of 15.58 feet to a point that is 40 feet westerly of and at right angles to said centerline at Station 11+33.53; thence northerly a distance of 100.13 feet to a point that is 40 feet westerly of and at right angles to said centerline at Station 12+33.66 and the north property line; thence east along said north property line a distance of 15.54 feet to said existing west right of way line and the point of beginning. Containing 0.0356 acre, more or less.

116604
I certify this to be a true and
correct copy *Patricia L. Jones*
Probate Judge
Shelby County

IN THE PROBATE COURT OF SHELBY COUNTY,

20030129100025550 042276
Shelby County Probate Court 1/1
1/29/2003 11:02:38 AM CD ORD

STATE OF ALABAMA,
Plaintiff

vs.

JEANNIE M. MAHAFFEY, Owner of the fee, et al.,)
Defendants.)


Case No. 42-276

ORDER ON PAYMENT OF AWARD

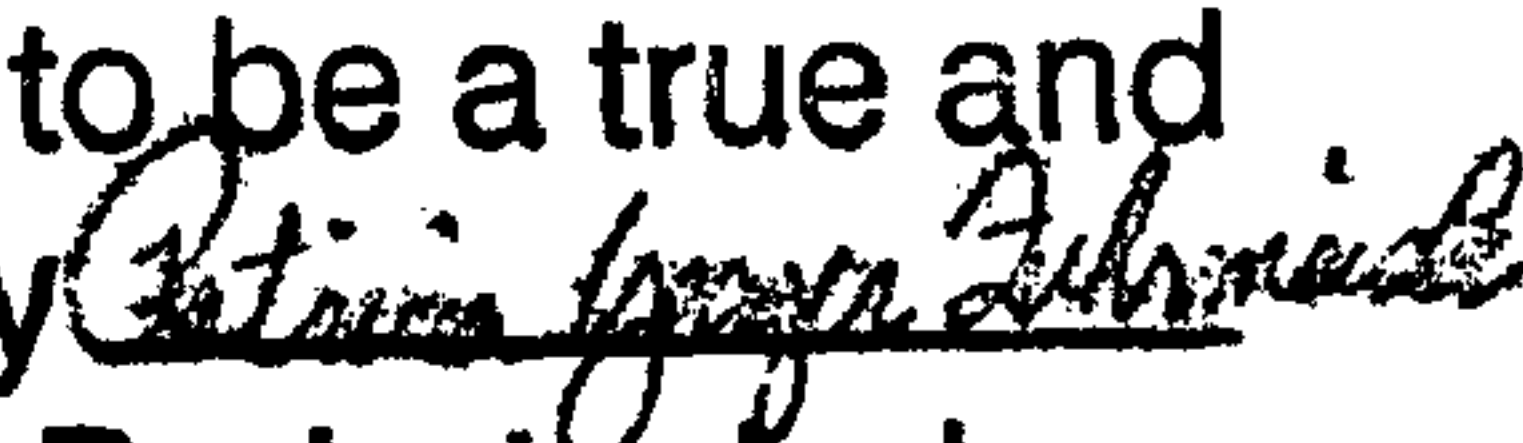
The State of Alabama having paid into Court, on January 28, 2003, the sum of \$7,830.78, such being the amount assessed by the Commissioners heretofore appointed to determine the amount of damages and compensation to which the owners and other interested parties were entitled (and which such amount includes costs of court), it is ORDERED that each respondent and defendant be notified.

It is further ORDERED that each defendant or respondent claiming an interest in said funds set forth the extent of such interest in writing, to the Court within 30 days.

DONE and ORDERED this 29th day of January, 2003.


PATRICIA YEAGER FUHRMEISTER
Judge of Probate

cc: Jeannie M. Mahaffey
Bank of America
Jack Hood, Esq.
Annette D. Skinner
Ayn Traylor-Sadberry, Esq.
U.S. Department of Agriculture

1/11/04
I certify this to be a true and
correct copy 
Probate Judge
Shelby County

ENTERED AND FILED

JAN 29 2003

Kimberly Melton, Chief Clerk
Probate Court
Shelby County

20030129100025550 042276
Shelby County Probate Court 1/1
1/29/2003 11:02:38 AM CD ORD
FILED

IN THE PROBATE COURT OF SHELBY COUNTY,

20030102100025540 042276
Shelby County Probate Court 1/1
1/2/2003 11:02:53 AM CD ORD

STATE OF ALABAMA,
Plaintiff

VS.

JEANNIE M. MAHAFFEY, Owner of the fee, et al.,
Defendants

Case No. 42-276

ORDER ON FILING REPORT OF COMMISSIONERS

On December 20, 2002, came Jim Strickland, Corley Ellis and Eddy Jowers, commissioners heretofore appointed by the court to assess the damages and compensation to which the respondents and defendants, the owners of said lands described in said report, are entitled for the taking and use of said lands for public road or highway purposes, and the said commissioners have filed their report in writing. The said commissioners also filed with their report a written certificate that none of them has ever been consulted, advised with or approached by any person with reference to the value of the lands or the proceedings to condemn the same prior to their appointment, and that they knew nothing of the same before their appointment; and it further appears to the court from said report, that the said commissioners have awarded to the said respondents or defendants, for taking of said lands, the sum of Six Thousand Dollars and 00/100 (\$6,000.00).

It is therefore ORDERED that the said report be filed and recorded and the property as described in Plaintiff's complaint for condemnation be condemned upon payment or deposit into court of the aforesaid amount. Provided further that any party may appeal from this Order to the Circuit Court of Shelby County, Alabama, with thirty (30) days hereof.

DONE and ORDERED this the 2nd day of January, 2003.

Patricia Yeager Fuhrmeister
PATRICIA YEAGER FUHRMEISTER
Judge of Probate

cc: Jeannie M. Mahaffey
Bank of America
Jack Hood, Esq.
Annette D. Skinner
Ayn Traylor-Sadberry, Esq.
U. S. Department of Agriculture

1/16/04
I certify this to be a true and
correct copy *Patricia Yeager Fuhrmeister*
Probate Judge
Shelby County

20030102100025540 042276
Shelby County Probate Court 1/1
1/2/2003 11:02:53 AM CD ORD
FILED

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

**STATE OF ALABAMA,
PLAINTIFF.**

vs.

CASE NO. 42-276

**JEANNIE M. MAHAFFEY, Owner
Of the fee, STEVE D. PELHAM,
U. S. DEPARTMENT OF AGRICULTURE,
STATE DIRECTOR RURAL DEVELOPMENT AKA FMHA
(MORTGAGEE/ASSIGNOR), BANK OF AMERICA
(MORTGAGEE/SSSIGNOR) and ANNETTE D. SKINNER,
SHELBY COUNTY TAX COLLECTOR,
DEFENDANTS.**

**MOTION TO DISMISS U. S. DEPARTMENT OF
AGRICULTURE, AMENDMENT TO COMPLAINT TO
ADD DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
AS DEFENDANTS AND MOTION FOR CONTINUANCE**

Now comes the Petitioner, State of Alabama Department of Transportation, and would respectfully request that this Motion be granted and as grounds therefor:

1. That on May 23, 2002, the Petitioner filed a Complaint for Condemnation in this matter.
2. That this Complaint is set for hearing on, July 30, 2002, 11:00AM in Probate Court, Shelby County, Columbiana.
3. That the Defendants were served with the Complaint.
4. That the Department of Agriculture searched its records, contacted counsel for Plaintiff(s) indicating that their agency had no record of this property and that the Department of Housing and Urban Development has jurisdiction over FHA loans.
5. The Petition as filed by Plaintiffs on May 23, 2002, should be amended to add the U. S. Department of Housing and Urban Development as the proper Defendants in this matter along with the original Defendants as named in the May 23rd Petition.
6. Further, the U. S. Department of Agriculture should be dismissed as Defendants in this case as they do not have any involvement with or interest in FHA loans.
7. That this matter should be continued in order to effectuate service pursuant to Rule 4 of the Federal Rules of Civil Procedure, on the Defendants as named in this Amendment, file an Amended Lis Pendens, and to enable Defendants to

PAGE TWO

**MOTION TO DISMISS U. S. DEPARTMENT OF AGRICULTURE ,
AMENDMENT TO COMPLAINT TO ADD DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT AS DEFENDANTS AND MOTION FOR
CONTINUANCE**

**STATE vs. JEANNIE M. MAHAFFEY ET AL
CASE NO. 42-276**

file an answer within the time period allotted by law.

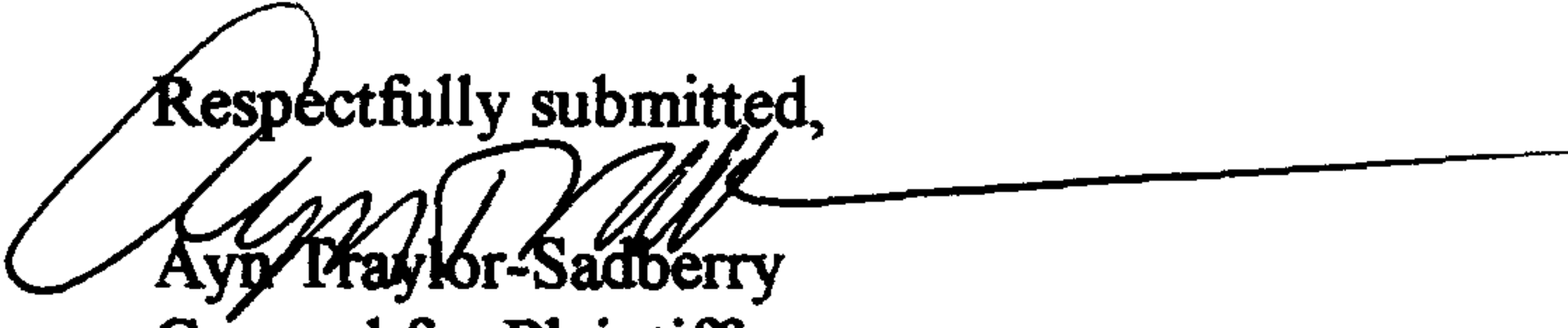
8. The Defendants to be added to this to this action, with addresses, to be listed under 'Paragraph Third' of a copy of the Complaint attached hereto are as follows:

U. S. Department of Housing and Urban Development
Office of the U. S. Attorney/Civil Division
The Honorable Alice Martin
1801 4th Avenue, North
Birmingham, AL 35203

Barbara Etheredge
U. S. Department of Housing and Urban Development
950 22nd Street, North
Birmingham, AL 35203

Office of the U. S. Attorney General
The Honorable John Ashcroft
950 Pennsylvania Avenue, N. W.
Washington, D. C. 20530

Respectfully submitted,


Ayn Praylor-Sadberry
Counsel for Plaintiffs
6509 E. J. Oliver Blvd.
Fairfield, AL 35064
(205)780-6600

CERTIFICATE OF SERVICE

I hereby certify that the Motion to Dismiss has been served upon all parties involved by placing a copy of it in the U. S. Mail postage prepaid properly addressed on this the 25 day of July, 2002.

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**MOTION TO DISMISS U. S. DEPARTMENT OF AGRICULTURE,
AMENDMENT TO COMPLAINT TO ADD DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT AS DEFENDANTS AND MOTION FOR
CONTINUANCE**

**STATE vs. JEANNIE M. MAHAFFEY ET AL
CASE NO. 42-276**

SERVED:

**JEANNIE M. MAHAFFEY
445 SELMA ROAD
MONTEVALLO, AL 35115**

**BANK OF AMERICA
ATTN: STEPHANIE CIRILLO
101 EAST MAIN STREET
LOUISVILLE, KY 40202**

**STEVE D. PELHAM, STATE DIRECTOR
U. S. DEPARTMENT OF AGRICULTURE AKA FMHA
OFFICE OF THE STATE DIRECTOR
SUITE 601, STERLING CENTRE
4121 CARMICHAEL ROAD
MONTGOMERY, AL 36101-3683**

**ANNETTE D. SKINNER
P. O. BOX 1298
COLUMBIANA, AL 35051**

**U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF THE U. S. ATTORNEY/CIVIL DIVISION
THE HONORABLE ALICE MARTIN
1801 4th AVENUE NORTH
BIRMINGHAM, AL 35203**

**OFFICE OF THE U. S. ATTORNEY GENERAL
THE HONORABLE JOHN ASHCROFT
950 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D. C. 20530**

PAGE FOUR

**MOTION TO DISMISS U. S. DEPARTMENT OF AGRICULTURE,
AMENDMENT TO COMPLAINT TO ADD DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT AS DEFENDANTS AND MOTION FOR
CONTINUANCE**

STATE vs. JEANNIE M. MAHAFFEY ET AL

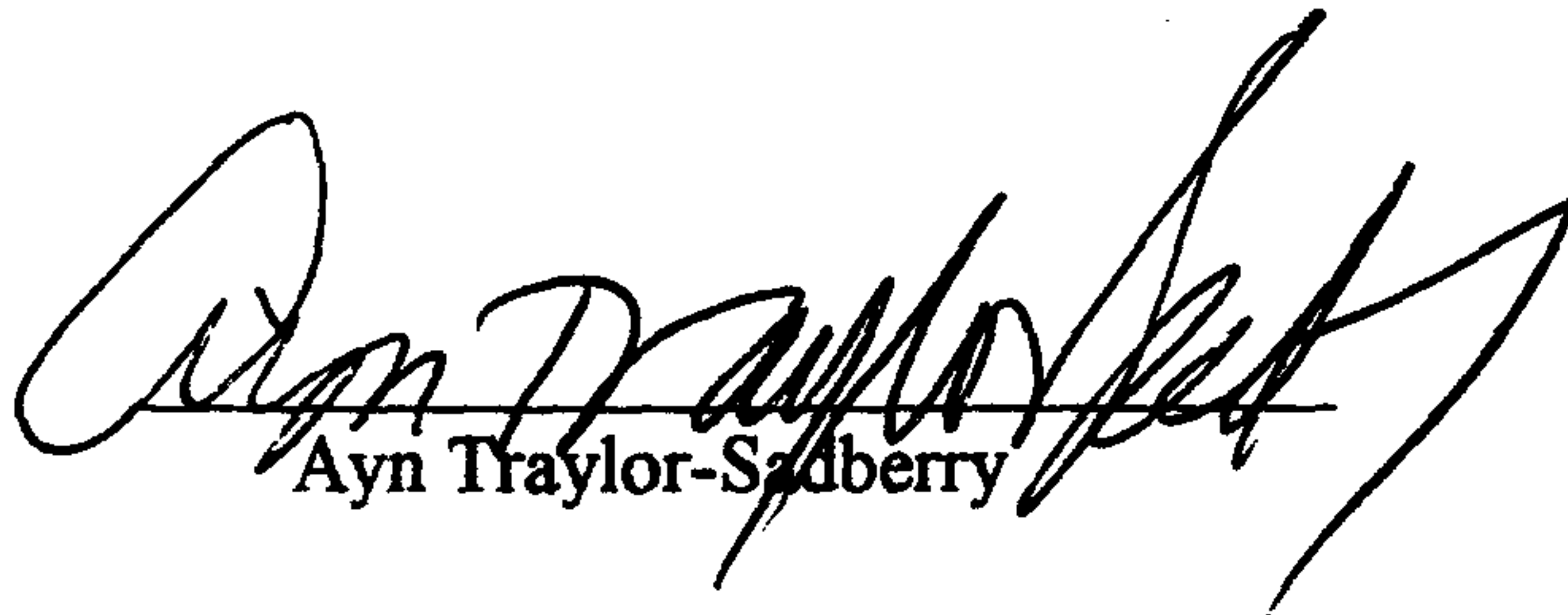
CASE NO. 42-276


BARBARA ETHEREDGE

U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

950 22nd STREET, NORTH

BIRMINGHAM, AL 35203


Ayn Traylor-Sadberry

Motion granted this 30th day of July,
2002. 

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

STATE OF ALABAMA,
Plaintiff,

v.

JEANNIE M. MAHAFFEY, owner
of the fee, STEVE D. PELHAM, U. S. DEPARTMENT
OF AGRICULTURE, STATE DIRECTOR RURAL DEVELOPMENT
AKA FMHA (MORTGAGEE/ASSIGNOR),
BANK OF AMERICA (MORTGAGEE/ASSIGNEE)
and ANNETTE D. SKINNER,
SHELBY COUNTY
TAX COLLECTOR,
Defendants.

CASE NO. 42-276

RECEIVED
MAY 23 2002
PROBATE JUDGE'S OFFICE

COMPLAINT FOR CONDEMNATION

COMES NOW, the State of Alabama as Plaintiff in the above-styled cause and files this, its Complaint in the Probate Court of Shelby County, Alabama, for a Judgment of Condemnation of the lands and interest in lands hereinafter described and as a basis for the relief prayed for shows unto the Court as follows:

FIRST

Plaintiff is authorized by the constitution and laws of the State of Alabama to institute and prosecute this proceeding for the purposes stated and is not required to give bond for security of costs under the provisions of law.

SECOND

Prior to the commencement of this action, the Transportation Director of the Department of Transportation of the State of Alabama found, ascertained and determined that the hereinafter described lands are necessary for use for public road or highway

purposes and has authorized and directed the institution and prosecution of this proceeding to condemn said lands. Prior to the commencement of these proceedings the Department of Transportation of the State of Alabama has provided a written statement to Jeanie M. Mahaffey of the appraised value of the taking with a brief summary showing the basis for the amount established as just compensation for the property, but because Jeannie M. Mahaffey, has refused the offer of the Department of Transportation of the State of Alabama this proceeding is necessary. A copy of the written statement is attached hereto as Exhibit A. The property will be devoted to the public purposes specified.

THIRD

Plaintiff seeks to condemn the fee title to the following described parcel 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 person from placing or maintaining any obstruction on said lands, and also the right to enter upon the lands for the purpose of constructing, maintaining and repairing the public improvement constructed or installed thereon, thereover or thereunder, on the following described property as shown on the right-of-way map of Project No. BR-458(6) Tract No.1 as recorded in the Office of the Judge of Probate of Shelby County, Alabama. Plaintiff further avers that to the Plaintiff's knowledge the following named persons are the parties who are the owners or who claim an interest in the property described hereinafter.

Plaintiff further avers that all of the named individuals are over the age of 19 years and have no legal disability unless otherwise specifically recited. The real property

described herein and the parties and the parties claiming an interest therein are more particularly described as follows and as shown on the right-of-way map of Project No. BR-458(6) of record in the Alabama Department of Transportation, a copy of which is also deposited in the Office of the Judge of Probate of Shelby County, Alabama as an aid to persons interested therein and shown on the Property Plat attached hereto and made a part of hereof:

Part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 4, Township 24 North, Range 12 East, identified as Tract No. 1 on Project No. BR-458(6) in Shelby County, Alabama and being more particularly described as follows:

Commencing at the Northeast corner of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$, thence west along the north line of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$ a distance of 232.77 feet to the existing west right of way line of State Route 119; thence southerly along said existing west right of way line a distance of 84.84 feet to the north property line and the point of beginning of the property herein to be conveyed; thence continue southerly along said existing west right of way line a distance of 100.30 feet to a point that is 24.44 feet westerly of and at right angles to the centerline of said State Route 119 at Station 11+ 31.58 and the south property line; thence west along said south property line a distance of 15.58 feet to a point that is 40 feet westerly of and at right angles to said centerline at Station 11+33.53; thence northerly a distance of 100.13 feet to a point that is 40 feet westerly of and at right angles to said centerline at Station 12+33.66 and the north property line; thence east along said north property line a distance of 15.54 feet to said existing west right of way line and the point of beginning. Containing 0.0356 acre, more or less.

The Grantor's, the successors and Assigns of said grantors herein, hereby reserves the mineral frights in the property hereby conveyed to the State of Alabama, but it is understood and agreed by and between the parties to this conveyance that the rights so reserved will in no way affect or interfere with any maintenance of public roads and highways on the property herein conveyed.

DEFENDANTS AND THEIR RESPECTIVE ADDRESSES

JEANNIE M. MAHAFFEY
445 SELMA ROAD
MONTEVALLO, AL 35051

(fee)

Annette D. Skinner
P. O. BOX 1298
COLUMBIANA, AL 35051

(assessment & taxes)

BANK OF AMERICA
ATTN. STEPHANIE CIRILLO
101 EAST MAIN STREET
LOUISVILLE, KY 40202

(MORTGAGEE/ASSIGNEE)

STEVE D. PELHAM, STATE DIRECTOR
U. S. DEPARTMENT OF AGRICULTURE
RURAL DEVELOPMENT AKA FMHA
OFFICE OF THE STATE DIRECTOR
SUITE 601, STERLING CENTRE
4121 CARMICHAEL ROAD
MONTGOMERY, ALABAMA 36106-3683

(MORTGAGEE/
ASSIGNOR)

FOURTH

Attached hereto as **Exhibit B** and made a part hereof is a map or diagram of the property proposed to be acquired.

FIFTH

Plaintiff avers that the following is a list of equipment or fixtures or improvements attached to or a part of the property sought to be acquired herein: NONE

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that this Court will (1) take jurisdiction of this Complaint and enter an Order appointing the day for hearing of this Complaint, and will cause notice of this Complaint and notice of the date set for hearing of this Complaint, and will cause notice Complaint and notice of the date set for hearing hereof to be issued to the above-named Defendants, all as provided by law and the rules of this Court, and upon a final hearing of this Complaint; (2) that this Court will enter an Order and Decree granting the said Complaint for Condemnation; (3) will appoint three appraisers as provided by law to ascertain the damages occasioned by such taking and the compensation, if any, to be allowed the Defendant for such taking; (4)

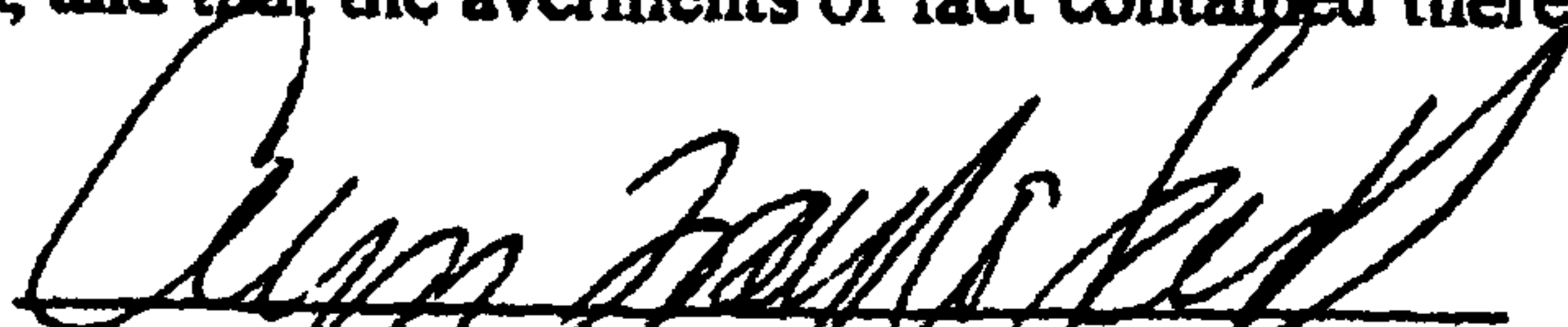
receive the report of such Commissioners; (5) enter an Order of Condemnation with respect to said fee simple title to the effect that upon payment or deposit in this Court within 90 days after filing such report of damages assessed for the taking by Plaintiff, same shall vest in Plaintiff, free of all liens and encumbrances; (6) and grant such other, further and different relief as may be necessary or proper in the premises.

STATE OF ALABAMA

BY: 
AYN TRAYLOR-SADBERRY
DEPUTY ATTORNEY GENERAL

STATE OF ALABAMA)
JEFFERSON COUNTY)

Before me, the undersigned authority in and for said county and State, personally appeared Ayn Traylor-Sadberry, who is known to me and who, being by me first duly sworn, deposes and says that she is a Deputy Attorney General of the State of Alabama, and as such is authorized to make this affidavit, that she has read the above and foregoing Complaint Condemnation, and that the averments of fact contained therein are true and correct.


AYN TRAYLOR-SADBERRY

Sworn to and subscribed before me
this 22 day of MAY, 2002.



NOTARY PUBLIC MY COMMISSION EXPIRES AUGUST 19, 2004
Ayn Traylor-Sadberry, Esquire
6509 E. J. Oliver Boulevard
FAIRFIELD, AL 35064
(205) 780-6600

Exhibit A



DON SIEGELMAN
GOVERNOR

ALABAMA
DEPARTMENT OF TRANSPORTATION

THIRD DIVISION
OFFICE OF DIVISION ENGINEER
1020 BANKHEAD HWY., WEST
P.O. BOX 2745
BIRMINGHAM, ALABAMA 35202-2745
Telephone: (205) 328-5820



PAUL BOWLIN
TRANSPORTATION DIRECTOR

3/25/02

Certified Mail - 7000-0600-0028-1047-4227

Jeanie M. Mahaffey
P. O. Box 313
Montevallo, AL 35051

Re: Shelby County
Project No. BR-458(6)
Tract No. 1

Dear Ms. Mahaffey:

The State of Alabama Department of Transportation is in the process of acquiring rights of way for the purpose of constructing the above-mentioned project.

The proposed construction of this highway will necessitate the purchase of approximately .0356 acres of your property which is identified as Tract No. 1 on our right-of-way map. We have had your property appraised by a qualified independent or staff real estate appraiser who was instructed to make a careful study of all legally compensable elements of value which contribute to the present worth of your property. He was also instructed to carefully consider the effect of the highway on the value of your remaining lands and improvements, if any.

In addition, the Department of Transportation's staff of trained real estate appraisers has made a thorough review of the appraisal report. Our studies indicate that the just compensation you are due is \$6,000.00 and we are hereby making this offer to you. A breakdown of this amount is shown on page 2. It should be understood that this offer is not binding if our title search indicates that you do not own fee simple title or if the project, prior to scheduled construction, is abandoned or significantly altered.

We hope the amount of our offer is acceptable. In the event we are unable to acquire by agreement, it will be necessary to acquire your property by exercising the Right of Eminent Domain as set out by Alabama Law. In such proceedings, a petition of condemnation is filed in the Probate Court of Shelby County.

The Probate Court appoints a three-member commission to indicate the price to be paid by the state. These commission members view the property, hear the testimony from both sides, and then arrive at their estimate of value. Should you or the Department of Transportation be dissatisfied with the price set by the commission, either party may request a trial in the Circuit Court. This action must be taken

promptly as the courts specify a time limit for taking such appeals. The valuation set by the Circuit Court is binding on both parties unless it can be established that some part of the court proceedings was irregular, in which case an appeal by either you or the state may result in a second trial.

Should it be necessary to acquire your property through court proceedings, it may be that the matter will be in the courts for some time before it is finally concluded. This does not mean, however, that you will be unable to obtain cash for the surrender of your property. Under our existing procedures and Federal Regulations, we make available to the property owner up to 100% of the amount of our approved offer immediately following the payment of the award into the Probate Court in those cases where an appeal is taken by either the state or the property owner. Should you be interested in obtaining such an advance, please make this clear to the Probate Court and we will, with their concurrence, arrange to release funds up to 100% of our approved offer to you.

The State of Alabama Department of Transportation employs the person delivering this letter to you. This person can explain to you the elements of value, which constitute our offer and the effect of the right-of-way acquisition on your remaining property, if any. This person is also in a position to answer your questions relative to the procedure outlined above. Should our offer be acceptable, you will have the opportunity at this time to sign our invoice and agreement covering payment for your property. A check will then be issued and forwarded to our Special Assistant Attorney General, Ayn Traylor Sadberry, assigned to this project, who will close out the transaction with you.

You will be expected to vacate the property within thirty (30) days after the state obtains title or by 6/25/02 whichever date is later. If the construction schedule will permit, you may be able to lease from the state and continue to occupy the property beyond the date just mentioned.

BREAKDOWN OF STATE'S OFFER
(Partial Acquisition)

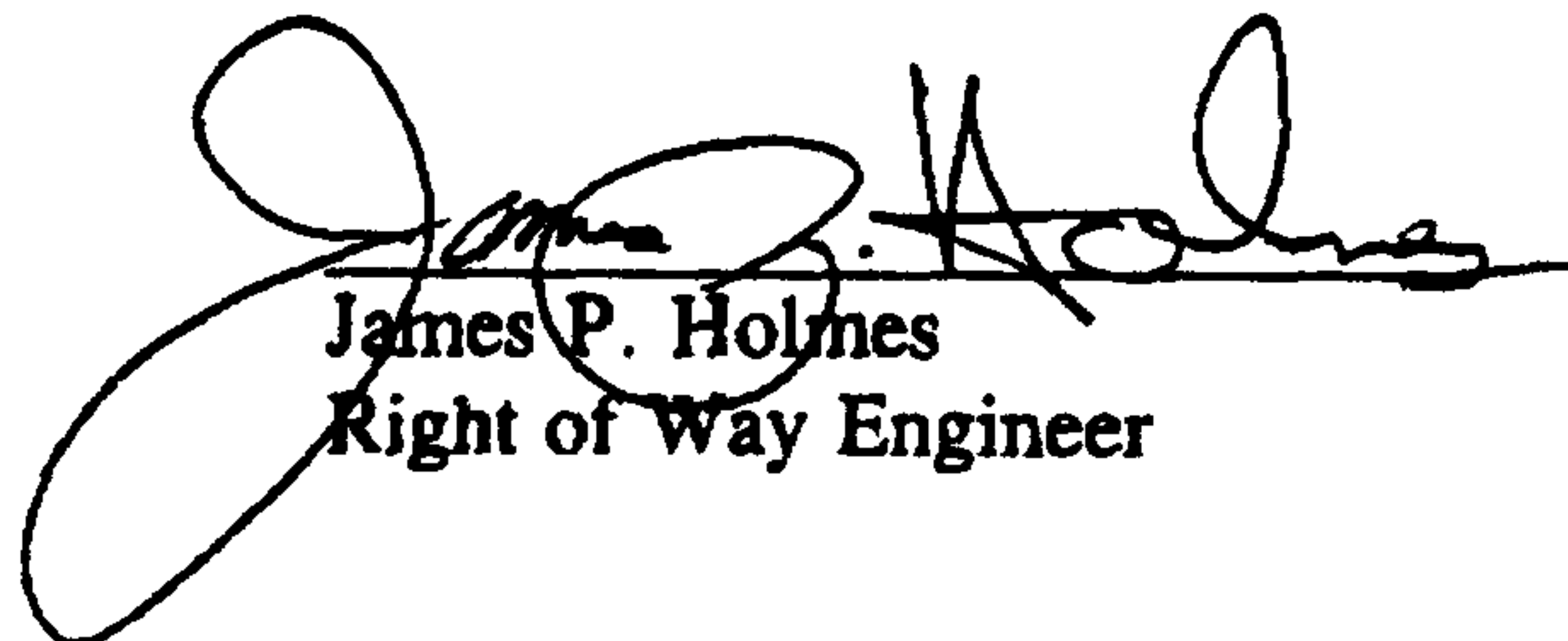
Land and improvements acquired:	
1,550 Sq. ft. @ \$1.15 per sq. ft.	= \$1,775.00
Damage to remaining property:	<u>4,225.00</u>
Total:	\$6,000.00

IDENTIFICATION OF REAL PROPERTY BEING ACQUIRED THAT IS OWNED BY ANOTHER PARTY. COMPENSATION IS NOT INCLUDED IN THE ABOVE OFFER:

1. N/A	4.
2.	5.
3.	6.

Sincerely,

James F. Horsley
Division Engineer



James P. Holmes
Right of Way Engineer

Attachments

cc:Mr. Lamar S. Woodham, Jr.
Rhonda Gable
Tract

Exhibit B

THIS INSTRUMENT PREPARED BY:

ALABAMA DEPARTMENT OF TRANSPORTATION
BIRMINGHAM, ALABAMA 35202

STATE OF ALABAMA)

COUNTY OF SHELBY)

TRACT NO. 1

FEE SIMPLE

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, for and in consideration of the sum of _____ dollars, cash in hand paid to the undersigned by the State of Alabama, the receipt of which is hereby acknowledged, we (I) the undersigned grantor(s), _____ have (has) this day bargained and sold, and by these presents do hereby grant, bargain, sell and convey unto the State of Alabama the following described property, lying and being in Shelby County, Alabama and being more particularly described as follows:

AND AS SHOWN ON THE RIGHT-OF-WAY MAP OF PROJECT NO. BR-458(6) of record with the Alabama Department of Transportation, a copy of which is also deposited in the Office of the Judge of Probate of Shelby County, Alabama, as an aid to persons and entities interested therein, and as shown on the property plat attached hereto and made a part hereof:

Part of the NE¼ of NE¼, Section 4, T-24-N, R-12-E, identified as Tract No. 1 on Project No. BR-458(6) in Shelby County, Alabama and being more fully described as follows:

Commencing at the Northeast Corner of said NE¼ of NE¼, thence west along the north line of said NE¼ of NE¼ a distance of 232.77 feet to the existing west right of way line of State Route 119; thence southerly along said existing west right of way line a distance of 84.84 feet to the north property line and the point of beginning of the property herein to be conveyed; thence continue southerly along said existing west right of way line a distance of 100.30 feet to a point that is 24.44 feet westerly of and at right angles to the centerline of said State Route 119 at Station 11+31.58 and the south property line; thence west along said south property line a distance of 15.58 feet to a point that is 40 feet westerly of and at right angles to said centerline at Station 11+33.53; thence northerly a distance of 100.13 feet to a point that is 40 feet westerly of and at right angles to said centerline at Station 12+33.66 and the north property line; thence east along said north property line a distance of 15.54 feet to said existing west right of way line and the point of beginning. Containing 0.0356 acre, more or less.

The Grantor's, the Successors and Assigns of said Grantors herein, hereby reserves the mineral rights to the property hereby conveyed to the State of Alabama, but it is understood and agreed by and between the Parties to this conveyance that the rights so reserved will in no way affect or interfere with any maintenance of public roads and highways on the property herein conveyed.

TO HAVE AND TO HOLD, unto the State of Alabama, it's successors and assigns in fee simple forever.

AND FOR THE CONSIDERATION AFORESAID, we (I) do for ourselves (myself), for our (my) heirs, executors, administrators, successors and assigns covenant to and with the State of Alabama that we (I) are (am) lawfully seized and

possessed in fee simple title for said tract or parcel of land hereinabove described; that we (I) have a good and lawful right to sell and convey the same as aforesaid; that the same is free of all encumbrances, liens and claims, except the lien for ad valorem taxes which attached on October 1, last past, and which is to be paid by the grantor, and that we (I) will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

THE GRANTOR(S) HEREIN FURTHER COVENANT(S) AND AGREE(S), that the purchase price above stated is full compensation to them (him-her) for this conveyance, and hereby release the State of Alabama and all of it's employees and officers from any and all damages to their (his-her) remaining property arising out of the location, construction, improvement, landscaping, maintenance or repair of any public road or highway that may be so located on the property herein conveyed.

IN WITNESS WHEREOF, we (I) have hereunto set our (my) hand(s) and seal(s) this the _____ day of _____, 20_____.

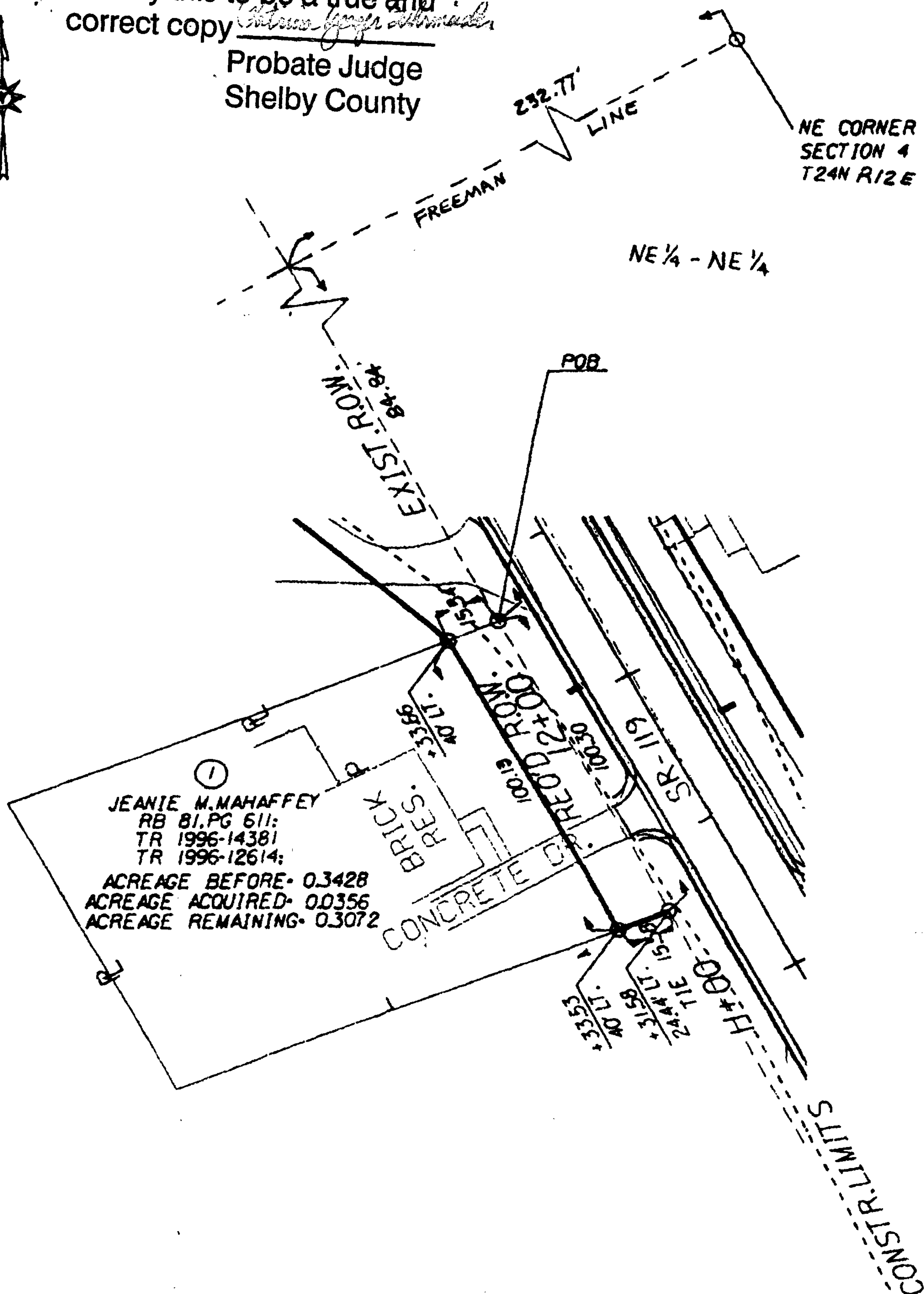
L.S.

L.S.

11/6/04 15:45:00

I certify this to be a true and
correct copy *John J. Mahaffey*

Probate Judge
Shelby County



TRACT NUMBER	<u>1</u>	ALABAMA DEPT. OF TRANSPORTATION
OWNER:	<u>JENNIE MAHAFFEY</u>	PROJ. NO. <u>63137</u>
		COUNTY: <u>SHELBY</u>
TOTAL ACREAGE:	<u>0.3428</u>	SCALE: 1" = <u>40'</u>
R/W REQUIRED:	<u>0.0356</u>	DATE: <u> </u>
REMAINDER:	<u>0.3072</u>	REVISED: <u> </u>