

ROBERT SMITH,
PETITIONER,

VS.

ETHEL LACEY, ET. AL.,
RESPONDENTS.

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA.

DECREE CONFIRMING REPORT OF COMMISSIONERS,
AND FINAL ORDER OF CONDEMNATION.

This cause coming on this day for a decree confirming the report of the Commissioners heretofore appointed by this Court in this cause, and for final order of condemnation in pursuance thereof, as to the lands described in said application, and as described in said report.

It appears to the Court that, on the 28th day of May, 1955, this Court heard the allegations of said application, and all the legal evidence touching the same as to the respective lands and parties described and named in said petition, and did make and enter an order granting said application for condemnation of the lands sought to be condemned, as prayed for in said application, on the 15th day of June, 1955, and did appoint W. F. Cornelius, J. P. Lee and Earnest McLaughlin, three citizens of Shelby County, Alabama, in which said County the lands sought to be condemned are situated, possessing the qualifications of jurors, and who were disinterested, to assess the damages and compensation to which the said respondents named in said application or petition, were entitled.

It further appears to the Court that notice of the appointment of the said W. F. Cornelius, J. P. Lee, and Earnest McLaughlin as said commissioners was issued by the Court to the Sheriff of Shelby County as required by law, and by said Sheriff served on said W. F. Cornelius, J. P. Lee and Earnest McLaughlin within five days after receipt thereof by him, and it appeared to the Court, on July 7th, 1955, that two of said designated commissioners, W. F. Cornelius and J. P. Lee, had failed to qualify and act, the Court did, on said last named date, substitute and appoint E. M. Young and B. B. Lyon to act in their place and stead, and, on the 1st day of August, 1955, it appearing to the Court that the said E. B. Lyon was unable to serve and had failed to qualify, the Court appointed T. T. Timney, of Columbiana, Alabama, to serve in his place and stead, and the said commissioners, E. M. Young, T. T. Timney, and Earnest McLaughlin, undertook to act, and did act as said commissioners, under appointment and orders hereinabove specified, and before entering upon the discharge of their duties in the premises they were sworn as jurors are sworn and as provided

Eugene D. Lacey
2577 Marcel Road
B'ham

by law, and that they did thereafter view the land sought to be condemned, and did receive all legal evidence offered by the parties touching the amount of damages the owners of the land will sustain; and the amount of compensation they are entitled to receive; and it further appearing to the Court that said commissioners did, on the 18th day of August, 1955, make their report in writing to this Court stating the amount of damages and compensation ascertained and assessed for the said owners of the lands described in the petition, as follows:

Ethel Lacey, Paul Lacey, Eugene Lacey, Madge Seifert, Julia Jernigan, and Mary Hoyle, ----- \$75.00.
And, further, that the applicant should construct standard cattle guards, eight feet apart, on the drive way, for cattle crossing said driveway.

It further appears to the Court that said commissioners did, also, file along with their said report and award a certificate that none of them had been consulted, advised with, or approached by any person in reference to the value of the land, or the proceedings to condemn the same, prior to the assessment of the said damages, and that they knew nothing of the same prior to their appointment.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the report of said commissioners be, and the same is hereby confirmed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said report of the commissioners, together with said application or petition, and all orders and decrees made in said cause, and pleadings filed therein, be, and the same are ordered to be recorded.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the applicant or petitioner, Robert Smith, pay all costs incurred in this cause.

And, now, it further appearing to Court that the award as assessed by the commissioners has been paid into Court, and the cost having been paid, IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all the rights, easements and right-of-way, and way of convenience sought to be condemned in said application or petition, be, and the same are here hereby condemned, granted, and awarded to said applicant, and divested out of all of the parties named in said petition as fully, and in the same manner as is under the laws and statutes of the State of Alabama made and provided.

Done and ordered, this 27th day of August, 1955.


JUDGE.

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IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA.

ROBERT SMITH,
PETITIONER,
VS.
ETHEL LACEY, ET AL.,
RESPONDENTS.

TO:

X W. F. Cornelius,
Leads, Alabama, Rt. 1.
J. P. Lee, Leads, Alabama, Rt. 1.
X Earnest McLaughlin, Leads, Alabama, Rt. 1.

You will take notice that you have been appointed commissioners by the Probate Court of Shelby County, Alabama, to assess the damages and compensation which the respondents are entitled to as owners of the following strip or parcel of land, viz:

"Begin at the northwest corner of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of section 5, township 19, range 1 west, and run north 86 degrees and 45 minutes east, 333.6 feet; thence, south, 30 degrees and 30 minutes west, 239.4 feet; thence, south, 12 degrees and 30 minutes east, 97.3 feet; thence, south, 23 degrees west, 108 feet; thence, south, 53 degrees west, 71.8 feet, to the point of beginning of the strip or parcel hereinafter described; thence, from said last named point, run in a westerly direction, perpendicular to the eastern boundary of the right-of-way of State Highway number 91, to the said eastern boundary of said highway, for the southernmost boundary of a strip or parcel of a uniform width of 15 feet from north to south, and extending easterly and westerly, from said highway right-of-way to the nearest boundary of the tract owned by Robert Smith, the said Robert Smith tract being described as follows:

A part of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of section 5, township 19, range 1 west, more particularly described as follows: "commence at the northwest corner of said forty-acre tract, and run thence north, 86 degrees and 45 minutes east, 333.6 feet, to point of beginning; thence run south, 30 degrees and 30 minutes west, 239.4 feet, to a branch; thence, south, 12 degrees and 30 minutes east, 97.3 feet; thence, south 23 degrees west, 108 feet; thence, south 53 degrees west, 98.5 feet; thence, south 23 degrees and 30 minutes east, 71.8 feet; thence south 53 degrees east, 72.71 feet; thence, north 83 degrees and 30 minutes east, 52.41 feet; thence, south 6 degrees east, 44.1 feet; thence south 21 degrees east, 44.41 feet; thence south 65 degrees and 30 minutes east, 55.6 feet; thence north 52 degrees east, 57.7 feet; thence south 54 degrees and 30 minutes east, 256.7 feet; thence south 31 degrees and 30 minutes east, 81.6 feet; thence north 26 degrees and 30 minutes east, 218 feet; thence, north, 24 degrees and 15 minutes east, 503 feet; thence, north 71 degrees and 15 minutes west, 624 feet, to the point of beginning."

The purpose for which said strip or parcel of land is to be acquired is to provide a drive-way, or way of convenience from the

said last described, or Smith tract, to the nearest public road.

You are to view the lands, and must receive all legal evidence offered by either party, touching the amount of damages the owners of said land will sustain, and the compensation they may be entitled to receive and within twenty days from the 15th day of June, 1955, you will make your report in writing to this Court, stating the amount of damages and compensation ascertained and assessed by you.

Done, this 15th day of June, 1955.

[Signature]
Probate Judge.

to the Sheriff of Shelby County, Alabama, to execute.

Executed this the 24

day of June, 1955

by leaving a copy of the within with

[Signature]

[Signature]

Sheriff, Shelby Co., Alabama

By *[Signature]*

Executed this the 24

day of June, 1955

by leaving a copy of the within with

[Signature]

[Signature]

Sheriff, Shelby Co., Alabama

By *[Signature]*

Executed this the _____

day of _____, 1955

by leaving a copy of the within with

[Signature]

[Signature]

Sheriff, Shelby Co., Alabama

By *[Signature]*

STATE OF ALABAMA, SHELBY COUNTY:

I, *[Signature]*, Judge of Probate, hereby certify that the within

INSTRUMENT was recorded the 15 day of June, 1955, at 10 o'clock AM

and recorded in _____ Page _____, and the Mortgage 1st of

Deed Tax of _____ has been paid.

1956 JUN -11 AM 11:15

[Signature]

Rec 10.00
Jud 1.00

I CERTIFY THIS TO BE A TRUE AND
CORRECT COPY.

[Signature]

Probate Judge Shelby County