

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

THE STATE OF ALABAMA,

PLAINTIFF,

VS.

CASE NUMBER: 28-35

BROOKLINE FOREST, INC., an  
Alabama Corporation; SERVICE  
CORPORATION OF ALABAMA, an  
Alabama Corporation; SECURITY  
UNION TITLE INSURANCE CO.,  
formerly known as Safeco  
Title Insurance Co., a Corp-  
oration registered for doing  
business in the State of Ala-  
bama; CAHABA TITLE, INC., an  
Alabama Corporation; ANNETTE  
SKINNER, Tax Collector for  
Shelby County, Alabama,

DEFENDANTS.

DECREE OF CONDEMNATION BY PROBATE COURT

This cause coming on to be heard after submission of the report of commissioners heretofore appointed in this cause seeking an order of condemnation of the lands described in the said report of the commissioners filed in said cause and also described in the petition of the State of Alabama, for an order of condemnation; and it appearing that this Court previously heard the allegations of said petition and all legal evidence offered by the parties touching the same and it further appearing that this Court made an order granting said application for the condemnation of the property described in the said application or petition and as hereinafter described and did appoint Charles Seales, J. D. Falkner and Teresa Thompson, three citizens of Shelby County, Alabama, in which the lands sought to be condemned are situated and who were and are disinterested and who possess the qualifications of jurors in Shelby County, Alabama, as commissioners to assess the damage and the compensation to which the respondents or defendants described in said petition are entitled.

It further appears to this Court that notice of the appointment of the said three named persons as commissioners was issued by this Court, as required by law, and that service of such notice was accepted by each of said persons.

It further appears to this Court that the said commissioners, before entering upon the discharge of their duties in the premises, were sworn as jurors are sworn, and that they did thereafter receive all legal evidence offered by the parties touching the amount of damages the owners of said parcels of land will sustain and the amount of just compensation they are entitled to receive; and it further appearing to the Court that the said commissioners did on the 4th day of May, 1989, as to the parcel described in the said petition make a report in writing to this Court setting out the amount of damages and compensation ascertained and assessed by them which should be awarded as follows: One Thousand Five Hundred Dollars (\$1,500.00).

It further appears to this Court that the said commissioners did also file a certificate along with their award that none of them has ever been consulted, advised with or approached by any person in reference to the value of the land or the proceedings

*Michael J. Jainer*

BOOK 246 PAGE 604  
78 178

to condemn the same prior to their appointment.

And it further appears to this Court that the damages and compensation ascertained and assessed by the said commissioners for the respondents or owners as to the parcels of tracts of land named above in the amount of \$ 1,500.00 has been deposited in this Court by the State of Alabama, the plaintiff in this cause, and it further appears to this Court that all things necessary and required by the laws of the State of Alabama have been done and performed by the State of Alabama, as plaintiff.

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED and it is the judgment of this Court that the following described property sought to be condemned in said petition for order of condemnation be, and the same hereby is, condemned, granted, and awarded to the State of Alabama as plaintiff.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the plaintiff is hereby given and awarded a permanent right of way and easement in, over, on, and upon the hereinabove described lands, together with the right to remove all improvements, trees, undergrowth and other obstructions 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 lands is sought to be, and which hereby is, condemned, and for the uses and purposes sought in the complaint or application for condemnation.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the permanent right of way or easement, in, over, on, or upon the hereinabove lands be, and the same hereby is, divested out of the defendants in this cause and is hereby vested in the plaintiff, the State of Alabama, and the State of Alabama, the plaintiff in this cause, is hereby given and awarded the right to the immediate possession of the property hereinabove described for the uses and purposes set out in said complaint or application as set out in this order.

IT IS FURTHER ORDERED, ADJUDGED and DECREED and it is the judgment of this Court that the parties whose names are set out hereinbelow are entitled to the amounts set opposite their names which said sums are ordered to be paid over to the respondents or defendants in this cause named hereinbelow for each said tract and, if by agreement of all the parties thereto and if necessary, jurisdiction is retained of this cause under Section 18-1-29, Code of Alabama, (1975), so as to make any necessary distribution or apportionment of funds among the parties or respondents. The person owning the tract and the amount of just compensation awarded is as follows:

OWNER: Brookline Forest, Inc. - \$1,500.00

LIENHOLDERS:

1. Annette Skinner, Tax Collector of Shelby County, Alabama
2. Service Corporation of Alabama
3. Security Union Title Insurance Co., formerly known as Safeco Title Insurance Co., a Corporation registered for doing business in the State of Alabama.
4. Cahaba Title, Inc., an Alabama Corporation.

IT IS FURTHER ORDERED, ADJUDGED and DECREED by this Court that all costs incurred in this case be, and the same hereby are, taxed against the plaintiff, the State of Alabama.

ORDERED on this the 5<sup>th</sup> day of May, 1989.

RECORDING FEES

Recording Fee \$ 5.00

Index Fee 6.00

11.00

Probate Judge

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JUDGE OF PROBATE