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IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

STATE OF ALABAMA,

PLAINTIFF,

VS.

WILLIAM C. BURTON; FIRST
NATIONAL BANK OF JASPER;
ANNETTE SKINNER, Tax Col-
lector for Shelby County,
Alabama,

DEFENDANTS.

CASE NUMBER:

28-26

Tract No. 1



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 Highway Director 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 of prosecution of this proceeding to condemn said lands. The property when condemned will be devoted to the public purposes specified.

THIRD

Plaintiff seeks to condemn the fee title to all of the

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P. O. S. H. Co.

parcel of land described in the attached descriptions and sketch, 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 obstructions 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.

Plaintiff avers that to the Plaintiff's knowledge the herein named persons are the persons who are the owners or who claim any interest in the property sought to be taken. All of the individuals named are over the age of nineteen years and are of no legal disability unless otherwise specifically recited. Said persons, the tracts of land in which they have an interest, and the nature of said interest are identified as follows:

TRACT OF LAND: AS SPECIFICALLY DESCRIBED IN ATTACHMENT "A"
WHICH IS INCORPORATED HEREIN BY REFERENCE.

DEFENDANT'S ADDRESSES:

William C. Burton
Route 2 Box 607
Calera, Alabama 35040

Owner

First National Bank of Jasper
P. O. Box 31
Jasper, Alabama 35502

Mortgagee as shown in the
attached mortgage, marked as
Exhibit B, and incorporated
herein by reference.

Annette Skinner, Tax Collector
Shelby County Courthouse
Shelby County, AL

Tax Collector

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that this Court will make and enter an Order setting the day for hearing of this Complaint and cause notice of this Complaint and notice of the day set for hearing to be issued to the above-named Defendants all as provided by law and the rules of this Honorable Court, and that upon final hearing of this Complaint, this Court will order and decree that the Plaintiff is entitled to acquire said lands or interest in lands for the public purposes herein set forth; and that this Court will appoint appraisers to ascertain and report the damages occasioned by such taking, and the compensation to be allowed the Defendants for such taking; and will make and enter in this cause all such other, further and different orders and decrees as it deems necessary in the

premises.

STATE OF ALABAMA

BY:

Ronald E. Jackson
RONALD E. JACKSON
Special Assistant Attorney
General for the State of
Alabama

OF COUNSEL:

RONALD E. JACKSON
Attorney at Law
P. O. Box 66
Pelham, AL 35124
(205) 663-7000

STATE OF ALABAMA)
SHELBY COUNTY)

Before me the undersigned authority in and for said County in said State, personally appeared Ronald E. Jackson, who is known to me and who, being by me first duly sworn, deposes and says that he is a Special Assistant Attorney General of the State of Alabama, and as such is authorized to make this affidavit, that he has read the above and foregoing Complaint for Condemnation, and that the averments of fact contained therein are true and correct.

Ronald E. Jackson
RONALD E. JACKSON

Sworn to and subscribed before me on this the 24th day of April, 1989.

Michelle L. Whately
NOTARY PUBLIC

My Commission expires: 8-1-92

Filed this

25 day of April 1989
THOMAS A. SNOWDEN JR.
Judge of Probate

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ATTACHMENT A-1

TRACT 1
(ONE TRACT ONLY)

As shown on the right of way map of Project No. IR-65-2(115) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

Commencing at the northeast corner of the SW 1/4 of the SE 1/4, Section 4, T-22-S, R-2-W; thence westerly along the north line of said SW 1/4 of SE 1/4 a distance of 135 feet, more or less, to the point of beginning of the property herein to be conveyed; said point of beginning being on a line which extends from a point that is 315 feet northeasterly of and at right angles to the centerline of Project IR-65-2(115) at Station 273+70 to a point that is 185 feet northeasterly of and at right angles to said centerline at Station 271+00; thence southeasterly along said line a distance of 275 feet, more or less, to said point that is 185 feet northeasterly of and at right angles to said centerline at Station 271+00; thence southwesterly along a line a distance of 10 feet to a point that is 175 feet northeasterly of and at right angles to said centerline at Station 271+00; thence northwesterly along the present northeast right-of-way line of I-65 a distance of 215 feet, more or less, to a point that is 246 feet northeasterly of and at right angles to said centerline at Station 273+04; thence continuing northwesterly along said present northeast right-of-way line a distance of 270 feet, more or less, to a point on the present southwest right-of-way line of a county road that is 350 feet northeasterly of and at right angles to said centerline at Station 275+42; thence southeasterly along said present southwest right-of-way line a distance of 158 feet, more or less, to a point that is northeasterly of and at right angles to said centerline at Station 274+00; thence southwesterly along a line a distance of 109 feet, more or less, to a point that is 315 feet northeasterly of and at right angles to said centerline at Station 273+70; thence southeasterly along a line (which if extended would intersect a point that is 185 feet northeasterly of and at right angles to said centerline at Station 271+00) a distance of 25 feet, more or less, to the point of beginning.

Said strip of land lying in the W 1/2 of SE 1/4, Section 4, T-22-S, R-2-W and containing 0.42 acre, more or less.

Additionally, all of the defendant's existing, future, or potential common law or statutory rights of access between the right of way of the public way identified as Project IR-65-2(115), County of Shelby, and all of the defendant's remaining

property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the property conveyed by this instrument or are connected thereto by other parcels owned by the defendants.

A permanent easement to a strip of land necessary for construction and being more fully described as follows: Commencing at the southeast corner of the NW 1/4 of SE 1/4, Section 4, T-22-S, R-2-W; thence northerly along the east line of said NW 1/4 of SE 1/4 a distance of 86 feet, more or less, to the present southwest right-of-way line of a county road; thence northwesterly along said present southwest right-of-way line a distance of 5 feet, more or less, to a point that is northeasterly of and at right angles to the centerline of Project IR-65-2(115) at Station 273+19 and the point of beginning of the property herein to be conveyed; thence southwesterly along a line a distance of 175 feet, more or less, to a point that is northeasterly of and at right angles to said centerline at Station 273+11; said point being on a line which extends from a point that is 185 feet northeasterly of and at right angles to said centerline at Station 271+00 to a point that is 315 feet northeasterly of and at right angles to said centerline at Station 273+70; thence northwesterly along said line a distance of 65 feet, more or less, to said point that is 315 feet northeasterly of and at right angles to said centerline at Station 273+70; thence northeasterly along a line a distance of 109 feet, more or less, to a point on the present southwest right-of-way line of said county road that is northeasterly of and at right angles to said centerline at Station 274+00; thence southeasterly along said present southwest right-of-way line a distance of 100 feet, more or less, to the point of beginning.

Said strip of land lying in the W 1/2 of SE 1/4, Section 4, T-22-S, R-2-W and containing 0.19 acre, more or less.

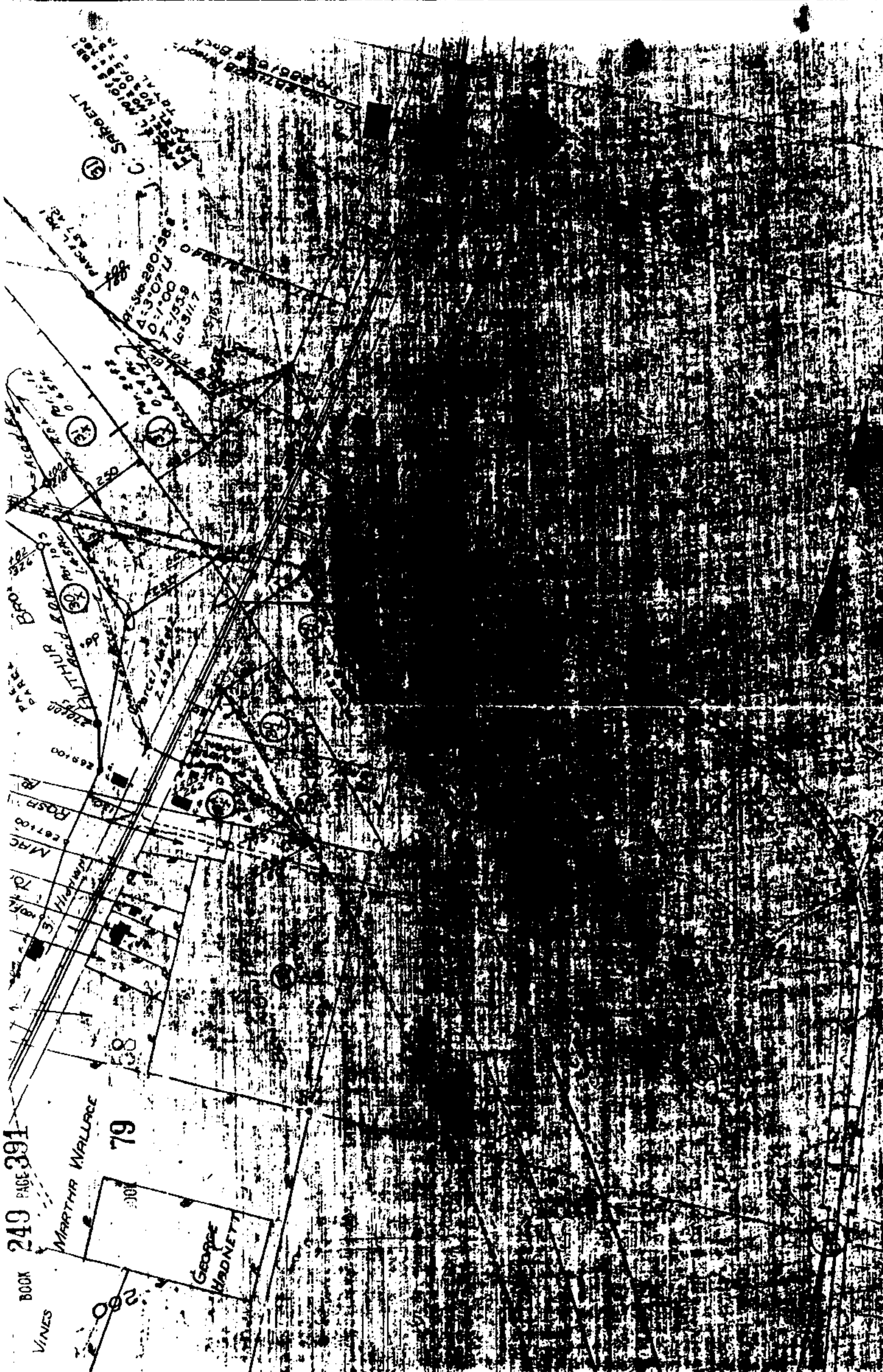
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ATTACHMENT B

REAL ESTATE MORTGAGE AND SECURITY AGREEMENT

Mortgagee's full name and address:
William Clayton Burton
3508 Highway 72 East
Jasper, AL 35893

Mortgagee:
FIRST NATIONAL BANK
OF JASPER
P. O. BOX 10
JASPER, ALABAMA 35893

The loan is secured by:
First National Bank of Jasper

By _____
 THE STATE OF ALABAMA
 Walker _____

Know ALL MEN THESE BY THESE PRESENTS That whereas
William Clayton Burton, an unmarried man
 do hereby certify that he is the owner of the following described real property situated in _____ County, State of Alabama, to-wit:
Book 142 Page 161

Parcel Three
 That part of the north half of SE1 of SE1 of Section 4, Township 22 South, Range 2 West, which lies west and southwest of the County Road Reclamation as shown by the Right of Way Map of Interstate Highway No 1-65, a copy of which is recorded in Right of Way Map Book 2 page 9g, Office of the Judge of Probate of Shelby County, Alabama, less and except highway rights of way, and less and except cemetery situated on said property, and less and except one (1) acre, more or less, beginning at the southeast corner of the west side of the County Road and running west for 200 feet, thence north at 90 deg. for 100 feet, thence northeast for 240 feet to the County Road, thence south for 240 feet following County Road to the point of beginning previously deeded by Action Agency, Inc. to the Alabama District Church of the Nazarene, Corporation, and less and except a small portion of which was previously deeded to Joe Hummels and wife, in Deed Book 269 Page 607; being situated in Shelby County, Alabama.

Subject to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, including rights conveyed in Deed Book 342, Page 444, in Probate Office of Shelby County, AL.

Subject to easements, restrictions and rights of way of record.

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1. Deed Tax \$
2. Mtg Tax
3. Recording Fee 22.50
4. Indexing Fee 1.00
TOTAL 3.00