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IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

THE STATE OF ALABAMA,  
Plaintiff,

VS.

The Heirs of O. C. HARRIS, deceased and  
the Heirs of CLARA HARRIS, deceased  
as record fee simple owners of certain  
designated real estate; PATRICIA SPIGNER  
and GERALDINE JOHNSON, as those in  
possession of certain designated real  
estate; J. H. DICKEY, General Contractor  
GUARANTY ACCEPTANCE CORPORATION and  
CENTRAL STATE BANK, mortgagees; and  
ANNETTE SKINNER, Tax Collector, Shelby  
County,

Defendants.

CASE NO. 29-134

DECREE OF CONDEMNATION

This cause coming on to be heard on report of Henry Caton,  
J. D. Faulkner, and Charles Seals, Commissioners  
in this cause.

The Plaintiff in this cause having filed in this Court a  
Complaint to condemn for use as a right-of-way, certain lands  
owned by The Heirs of O. C. Harris, The Heirs of Clara Harris,  
Patricia Spigner and Geraldine Johnson; J. H. Dickey, General  
Contractor, Guaranty Acceptance Corporation and Central State  
Bank, mortgagees; and Annette Skinner, Tax Collector as owners.

Further, the Court having heretofore made an order granting  
said Complaint and said order having been made only after due and  
legal notice of the filing of said Complaint and of the  
appointment of a day for hearing the same had been given to all  
owners, lienholders, and other persons alleged to have any  
interest in the lands described in the Complaint and said order  
having been made only after the proof by legal and competent  
evidence of the averments of the Complaint.

Further, the Court having in its order made on the 14<sup>th</sup> day  
of November, 1990, appointed J. D. Faulkner, Charles Seals,  
and Henry Caton, Commissioners to assess and appraise the  
damages and compensation to which the owners of said land are  
entitled. Further, the Commissioners having filed in this Court  
their report showing that after having first been sworn as jurors  
are required to be sworn, they proceeded to assess the damages  
and compensation to which the owners of the several tracts of  
land described in said report and in the original Complaint, in

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this cause, for use as rights-of-way for public road or highway purposes and for such other purposes as are stated in said Complaint and that after they had viewed said lands and had received all evidence offered touching the amount of damages and compensation to which said owners are entitled. Further, that Commissioners have reported that the amount of damages and compensation awarded to Defendants named on application and dated Aug. 24, 1990 on account of the lands described in the original Complaint and said report of said Commissioners, being required by the State for rights-of-way, identified in the Complaint for Order of Condemnation and being more particularly described as follows, to wit:

See Exhibit "A"

And it further appearing to the satisfaction of the court that Plaintiff is entitled to have all of the lands described in said report condemned for a right-of-way for public roads and highway purposes and condemned for the uses and purposes stated in the application, in this cause, and that Plaintiff is entitled to have said lands condemned for the purpose of acquiring the easement as stated in the Complaint in this cause.

And it appearing to the satisfaction of the Court that Plaintiff has already paid into the Court the amount of money awarded by said Commissioners to said owners, which said awards are subject to all outstanding valid claims, liens, and leases for the condemnation of the lands described in said report of said Commissioners and described in the original Complaint to condemn, in this cause, and has also paid all the court costs in this cause. It is therefore,

ORDERED, ADJUDGED AND DECREED by the Court that the lands described herein and in the Complaint filed herein be and the same is hereby condemned for the use of right-of-way and such other uses as set out in the original Complaint filed herein and that the lands and to subject said lands for uses and purposes set forth in the original Complaint herein and said lands are condemned for the uses and purposes herein and above stated as against all parties having an interest therein especially condemned against the interest of The Heirs of O. C. Harris, the Heirs of Clara Harris, as record fee simple owners of certain designated real estate Patricia Spigner and Geraldine Johnson in possession of designated real estate; J. H. Dickey, General Contractor; Guaranty Acceptance Corporation and Central State Bank, mortgagees and Annette Skinner, Tax Collector. It is further

ORDERED, ADJUDGED AND DECREED by the Court that the Commissioner's Report is approved and adopted and the compensation due the Defendants is as stated in said Report. It is further

ORDERED by the Court that all papers on this proceeding be recorded.

DONE this 6<sup>th</sup> day of December, 1990.

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STATE OF ALABAMA  
COUNTY OF [illegible]  
I CERTIFY THIS IS  
A TRUE AND CORRECT  
COPY OF THE ORIGINAL  
FILED IN THE OFFICE OF THE  
CLERK OF THE COURT

Rec 50.00  
Ind. 8.00  
Cest 1.00  
14.00