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IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

THE STATE OF ALABAMA,  
Plaintiff,

CASE NO. 29-124

VS.

WILLIAM R. HUGHES, JOHN C. HUGHES,  
record owners in fee simple of  
certain designated real estate;  
JAMES COCKRELL, ESQ. Attorney for  
St. Vincent's Hospital, GREGORY M.  
DIETSCH, ESQ. Attorney for Shelby  
County Medical Center, and  
ANNETTE SKINNER, Shelby County  
Tax Collector,  
Defendants.

DECREE OF CONDEMNATION

This cause coming on to be heard on report of Charles Seales,  
J. D. Burt Talburt, and Henry Carter, 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 William R. Hughes, John C. Hughes, James Cockrell, Esq.  
Attorney for St. Vincent's Hospital, Gregory M. Dietsch, Esq.  
Attorney for Shelby County Medical Center, 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 7<sup>th</sup> day  
of October, 1990, appointed Charles Seales, J. D. Burt Talburt,  
and Henry Carter, 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  
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

Sharon Lee

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Commissioners have reported that the amount of damages and compensation awarded to defendants named in Report of Commissioners dated 10/19/90 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,

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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 William R. Hughes, John C. Hughes, James Cockrell, Esq. Attorney for St. Vincent's Hospital, Gregory M. Dietsch, Esq. Attorney for Shelby County Medical Center, 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 13<sup>th</sup> day of November, 1990.

Thomas A. Snowden  
Judge of Probate

# EXHIBIT A

## TRACT 40

Commencing at the northeast corner of the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  Section 6, T-24-N, R-13-E; thence southerly along the east line of said SE $\frac{1}{4}$  of NW $\frac{1}{4}$  a distance of 598 feet, more or less, to the centerline of Project No. OLB-059-025-001; thence S 84° 57' 30" W along the centerline of said Project a distance of 68 feet, more or less, to Station 156+83.01; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 5729.58 feet along the centerline of said Project a distance of 158.86 feet; thence S 86° 32' 49" W along the centerline of said Project a distance of 1724.15 feet; thence turn an angle of 90° 00' to the left and run a distance of 50 feet to the point of beginning of the property herein to be conveyed; thence southwesterly along a line (which if extended would intersect a point that is 55 feet southeasterly of and at right angles to the centerline of said Project at Station 137+00) a distance of 80 feet, more or less, to the west property line; thence northerly along said west property line a distance of 30 feet, more or less, to the present southeast right-of-way line of Alabama Highway No. 25; thence northeasterly along said present southeast right-of-way line a distance of 268 feet, more or less, to the east property line; thence southerly along said east property line a distance of 26 feet, more or less, to a point that is 50 feet southeasterly of and at right angles to the centerline of said Project; thence S 86° 32' 49" W, parallel with the centerline of said Project a distance of 188 feet, more or less, to the point of beginning.

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Said strip of land lying in the South Half of Fraction "B" of Fractional Section 1, T-24-N, R-12-E and containing 0.16 acre, more or less.

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED

91 OCT -7 PM 1:03

JUDGE OF PROBATE

1. Dead Jan	
2. Mfg. Tax	
3. Recording Fee	2.50
4. Indexing Fee	2.00
5. No Tax Fee	
6. Certified Fee	1.00
Total	5.50