

IN THE PROBATE COURT FOR SHELBY COUNTY, ALABAMA

STATE OF ALABAMA,

Plaintiff,

vs.

CHARLES BATES, as recorded owner in fee simple of certain designated real estate; GLEN H. YANCEY and BETTY ANN YANCEY, in their capacity as mortgagees of certain designated real estate; and ANNETTE SKINNER, in her capacity as Tax Collector of Shelby County,

Defendants.

PROBATE NO. 30-102

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 Attachment A attached hereto and 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 George Seales, Henry Caton and J.D. "Buck" Falkner, 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 damages 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 notice of the appointment of the said three named persons as commissioners was

BOOK 372 PAGE 402

Rides e Peterson

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 16th day of October, 1991, as to the tract numbered 22, as 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 to the said respective tracts.

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 to condemn the same prior to the assessment of damages, and that they knew nothing of the same prior to their appointment.

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 or tracts of land named above has been deposited in this Court, and 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 property sought to be condemned in said petition for order of condemnation (as more particularly described therein) 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 fee simple title to and a 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 land is sought to be, and which hereby is, condemned, and for the uses and purposes sought in the petition or complaint for condemnation as amended.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the fee simple title to and a 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 petition or complaint for condemnation as amended and 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 forth below 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 hereto or if otherwise necessary, jurisdiction is retained of this cause under Section 18-1A-291, Code of Alabama, (1975) and other relevant sections, so as to make any necessary distribution or apportionment of funds among the parties or respondents. The persons owning each respective tract and the amounts of just compensation awarded as to the said tract are as follows:

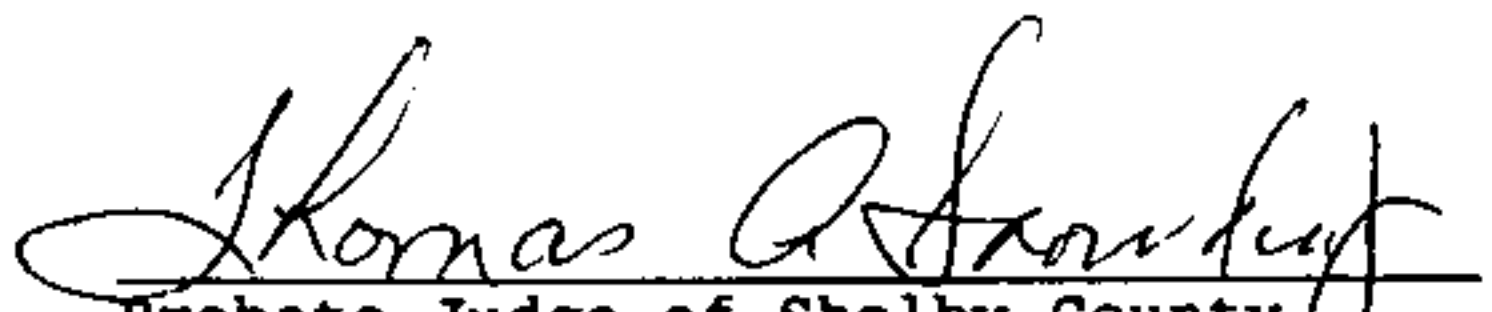
TRACT NO. 22 (\$ 16,250.<sup>00</sup>)

OWNER: Charles Bates

LIENHOLDERS: Glen H. Yancey and Betty Ann Yancey  
Annette Skinner, Tax Collector of  
Shelby County, Alabama

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

ORDERED on this the 18<sup>th</sup> day of October, 1991.

  
Probate Judge of Shelby County  
Alabama

**PARCEL NO. 1 OF 2:** Commencing at the northwest corner of the SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 3, T-24-N, R-12-E; thence southerly along the west line of said SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , a distance of 270 feet, more or less, to the centerline of Project No. S-44(8); thence S 84° 18' 28" E, along the centerline of said project, a distance of 600 feet, more or less, to Station 39+50; thence turn an angle of 90° 00' to the right and run a distance of 45 feet to a point that is southwesterly of and at right angles to the centerline of said project and the point of beginning of the property herein to be conveyed; thence N 84° 18' 28" W, parallel with the centerline of said project, a distance of 112 feet, more or less, to the west property line; thence northerly along said west line, a distance of 12 feet, more or less, to the present southwest right-of-way line of Alabama Highway No. 25; thence southeasterly along said present southwest right-of-way line, a distance of 150 feet, more or less, to the present west right-of-way line of Hicks Street; thence southerly along said present west right-of-way line, a distance of 45 feet, more or less, to a point that is westerly of and at right angles to the traverse of said street at Station 10+75; thence westerly along a line, a distance of 10 feet, more or less, to a point that is 30 feet westerly of and at right angles to the traverse of said street at Station 10+75; thence northwesterly along a line, a distance of 45 feet, more or less, to the point of beginning.

Said strip of land lying in the SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 3, T-24-N, R-12-E and containing 0.057 acre, more or less.

**PARCEL NO. 2 OF 2:** Commencing at the northwest corner of the SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 3, T-24-N, R-12-E; thence easterly along the north line of said SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , a distance of 802 feet, more or less, to the east property line; thence southerly along said east line, a distance of 280 feet, more or less, to a point that is 45 feet northeasterly of and at right angles to the centerline of Project No. S-44(8) and the point of beginning of the property herein to be conveyed; thence continuing southerly along said east line, a distance of 14 feet, more or less, to the present northeast right-of-way line of Alabama Highway No. 25; thence northwesterly along said northeast right-of-way line, a distance of 177 feet, more or less, to the west property line; thence northerly along said west line, a distance of 14 feet, more or less, to a point that is 45 feet northeasterly of and at right angles to the centerline of said project; thence S 84° 18' 28" E, parallel with the centerline of said project a distance of 177 feet, more or less, to the point of beginning.

Said strip of land lying in the SW  $\frac{1}{4}$  of NE  $\frac{1}{4}$ , Section 3, T-24-N, R-12-E.

SOUTHERN

SHOPPING CENTER  
TORY BROWN BUILDING

SCOTT

REM. PAR. C  
= 1.00 AC.

(25)

(20)

BRK. BUS.  
PAR. NO. 3  
= 0.002 AC.  
50' Pres.

DELETED

BETTY

GLENN

(22A)

ACREAGE BEFORE =  
ACREAGE ACQUIRED =  
ACREAGE REMAINING =

BATES

(22)

ACRE. BEF  
ACREAGE ACQ  
ACREAGE REMA

MILLARD &  
EARNESTINE SMITH

(26)

DELETED

(24)

FR. RES.

FR. RES.

FR. RES.

PAR. NO. 2  
= 0.0 AC.

AC. 45' x 55'

AC. 45' x 55'

BRK. BUS.

(19)

MELTUN D ST.

S 84°-18' E

FR. RES.

NORA JACK  
WHATLEY

(21)

PAR. NO. 1 OF 2  
= 0.067 AC.

(22)

REM. PAR. A  
= 1.043 AC.

HICKS

ST. PAR. NO. 1 = 0.034 AC.

Brk. Bus.

REM. A  
= 0.306 AC.

ANNE BEARDEN

ACREAGE BEFORE = 0.735  
ACREAGE ACQUIRED = 0.103  
ACREAGE REMAINING = 0.632

(27)

REM. B  
= 0.273 B

(25)

BEFORE = 0  
ACQUIRED = 0.133  
REMAINING = 1.237

BEFORE = 0.652  
ACQUIRED = 0.062  
REMAINING = 0.590

STATE OF ALA. SHELLEY  
I CERTIFY THIS  
INSTRUMENT WAS FILED

91 NOV -8 AM 8:57

SW 1/4

NE 1/4

12.50  
3.00  
1.00