

2158

IN THE CIRCUIT COURT FOR SHELBY COUNTY, ALABAMA

STATE OF ALABAMA,

Plaintiff,

v.

DAN L. HOWARD and  
DAVID MINSHEW, ET. AL.,

Defendant.

CIVIL ACTION NO. CV 91-665

ORDER AND DECREE OF CONDEMNATION

This cause was commenced on May 24, 1991, in the Probate Court of Shelby County, Alabama, by the filing of an Application For Order of Condemnation to condemn the property hereinafter described under and pursuant to Section 23 of the Constitution of Alabama, Title 18, of the Code of Alabama 1975. This cause coming to be heard on this day for an order confirming the settlement between the parties in said cause and for a Final Order of Condemnation pursuant thereof as to the lands described below.

All of the parties to this cause previously appeared before the Court and stipulated and agreed in open court that:

1. An Order of Condemnation may be entered in this cause granting the Application For Order of Condemnation to condemn the property herein described and the only issue to be determined is the amount of compensation to be awarded to the property owners.

2. The only party having or claiming an interest in the proceeds of the condemnation is Dan L. Howard and David Minshew.

3. The Court will award any interest to which the property owners and the State shall mutually agree.

The parties having stipulated that the Application For Order



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of Condemnation, as filed in this cause should be granted, it is ORDERED, ADJUDGED, and DECREED that said Application for Condemnation for the lands herein described be, and the same is hereby granted, and the interest in said lands therein sought to be acquired in, over, and upon are hereby condemned for uses and purposes stated and sought in said Application for Order of Condemnation, namely, to-wit:

SEE ATTACHMENT EXHIBIT "A"

The parties having further stipulated and agreed that the damages and compensation to which the owners of said land are entitled, that being the total sum of \$7,500.00. It further appearing to the Court that the damages and compensation ascertained and assessed by the Commissioners of the Probate Court for the Defendants in the amount of \$3,575.00 have been deposited in the Probate Court.

The parties further show that they have agreed that the property owners shall receive interest of \$189.69, such amount to be in full satisfaction of any interest due the property owners on said amount or otherwise.

The parties further show that Merchants & Planters Bank and Glennie Dee Clark, claim no interest in the settlement and award and desire to be dismissed as a party to this action.

And it further appearing to the Court that all things necessary and required by the laws of the State of Alabama have been done and performed by the Plaintiff.

And it further appearing to the Court that any interest in this award of Annette Skinner, Tax Collector of Shelby County, has

been satisfied.

It is thereby ORDERED, ADJUDGED, and DECREED that the Plaintiff pay the additional sum of \$3,925.00 plus interest of \$189.69 to the Circuit Clerk of Shelby County, Alabama. After such payment by the State, Dan L. Howard and David Minshew shall be entitled to have and receive from the total proceeds being held by the Clerk of this Court the sum of \$7,500.00/and said amount shall <sup>with interest of \$189.69</sup> be paid in due course.

Now THEREFORE, IT IS FURTHER ORDERED, ADJUDGED and DECREED by the Court that Plaintiff, State of Alabama, pay all court costs incurred in this cause.

The Defendants to this cause are:

Dan L. Howard  
David Minshew  
103 Highway #25 East  
Montevallo, AL 35115

Merchants & Planters Bank  
1158 North Main  
Montevallo, AL 35115

Ms. Glennie Dee Clark  
Rt. 1, Box 248  
Brierfield, AL 35035

Ms. Annette Skinner  
Tax Collector  
Shelby County Courthouse  
Columbiana, Alabama 35051

DONE and ORDERED this the 3rd day of March, 1992.

D. A. Gowan  
CIRCUIT JUDGE

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APPROVED BY:

CMO L. C. M.  
Clarence M. Small, Attorney for  
Plaintiff

CMF  
Conrad M. Fowler, Attorney for  
Dan L. Howard and David Minshe

Merchants & Planters Bank

By: [Signature]  
Its: President

Glennie Dee Clark  
Ms. Glennie Dee Clark

A. D. Skinner  
Annette Skinner, Tax Collector of  
Shelby County

EXHIBIT "A"

Project No. ST-44-8  
Tract No. 15

described as follows: and as shown on the right-of-way map of Project No. S-44(8) of record in the State of Alabama Highway Department, a copy of which is also deposited in the Office of the Judge of Probate of Shelby County, Alabama as an aid to persons and entities interested therein and as shown on the Property Plat attached hereto and made a part hereof:

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The west part of Lot 1, according to the survey of Wilson Subdivision, the map or plat of which is recorded in Map Book 3, Page 62 in the Office of the Judge of Probate of Shelby County, Alabama and being more fully described as follows: Commencing at the intersection of the southwest corner of Lot 3 of said Subdivision and the present east right-of-way line of Wilson Street; thence northerly along the west side of Lots 3 and 1, a distance of 198 feet, more or less, to a point on said present east right-of-way line that is easterly of and at right angles to the traverse of said Wilson Street at Station 10+75 and the point of beginning of the property herein to be conveyed; thence continuing northerly along the west side of said Lot 1, a distance of 41 feet, more or less, to the present south right-of-way line of Alabama Highway No. 25; thence southeasterly along said present south right-of-way line, a distance of 98 feet, more or less, to the east property line; thence southerly along said east line, a distance of 11 feet, more or less, to a point that is 40 feet southerly of and at right angles to the centerline of Project No. S-44(8); thence N 84° 18' 28" W, parallel with the centerline of said project, a distance of 63 feet, more or less, to a point that is 40 feet southerly of and at right angles to the centerline of said project at Station 29+25; thence southwesterly along a line, a distance of 45 feet, more or less, to the point of beginning.

T - 24 - N  
R - 12 - E



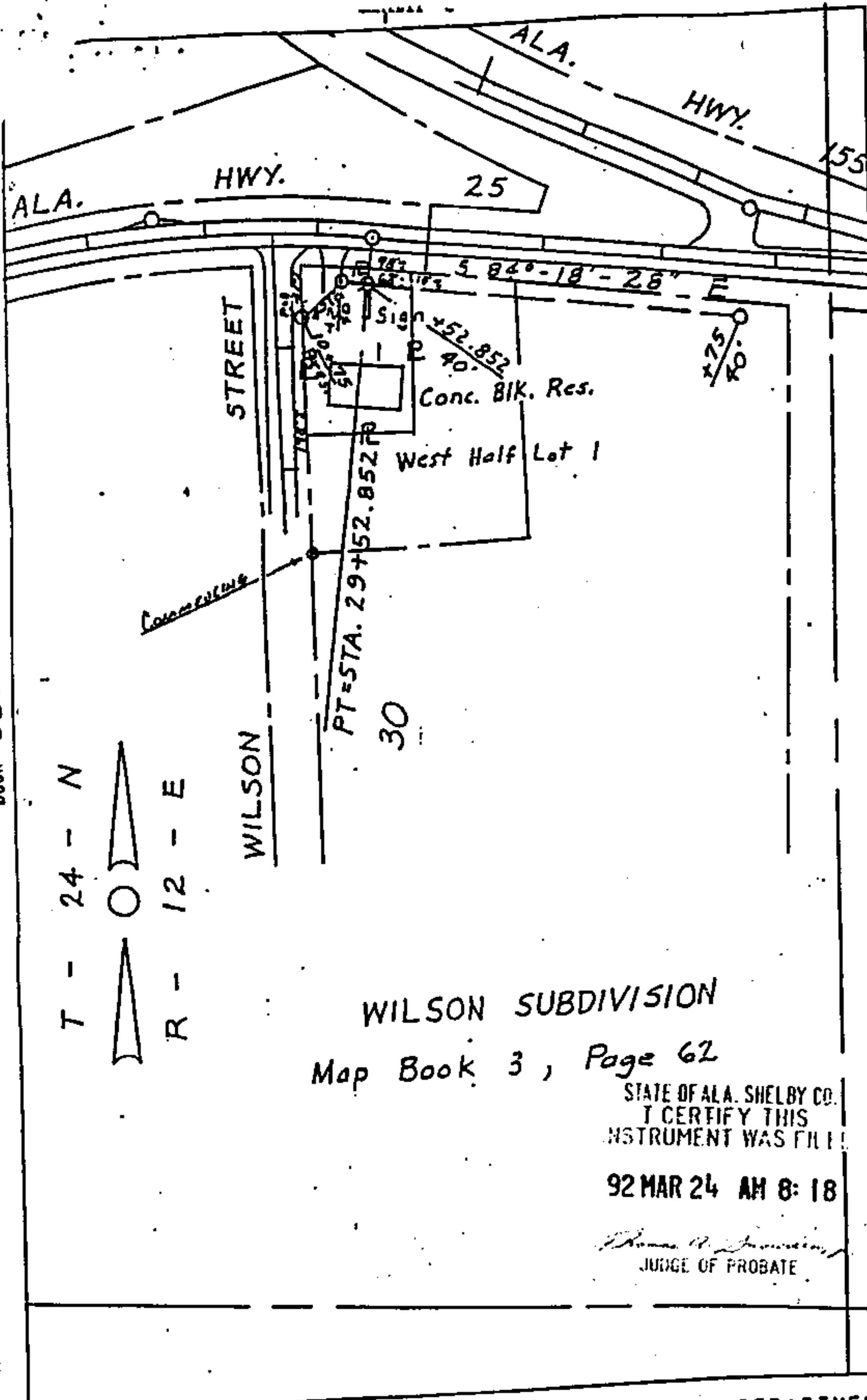
WILSON STREET

WILSON SUBDIVISION  
Map Book 3, Page 62

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

92 MAR 24 AM 8:18

*Thomas P. [Signature]*  
JUDGE OF PROBATE



1. Deed Tax	\$	
2. Mig. Tax	\$	
3. Recording Fee	\$	15.00
4. Indexing Fee	\$	3.00
5. No Tax Fee	\$	
6. Certified Fee	\$	1.00
Total	\$	19.00

TRACT NUMBER 15 STATE OF ALABAMA HIGHWAY DEPARTMENT  
OWNER: DAN L. HOWARD & DAVID M. MINSHEW  
PROJ. NO. S-44(8)  
COUNTY: SHELBY  
TOTAL ACREAGE: 0.300  
SCALE: 1" = 100'