

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

STATE OF ALABAMA,

PLAINTIFF,

vs.

CHARLES E. AND CLARA F.  
BAXLEY,

DEFENDANT.

CASE NO.

TRACT NO. 6

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

Inst # 1992-19252  
09/08/1992-19252  
11:54 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
006 MCD 19.00

STATE OF ALABAMA vs. CHARLES E. AND CLARA F. CASE NO.  
BAXLEY

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 the parcels of land described in Exhibit A, which is attached hereto, and made a part hereof by reference, 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.

FOURTH

Plaintiff avers that to the Plaintiff's knowledge the herein named person is the person who is the owner or who claims any interest in the property sought to be taken. The Defendant is over the age of nineteen years and is of no legal disability unless otherwise specifically recited. Said person is identified as follows:

Charles E. and Clara F. Baxley  
1934 10th Avenue  
Calera, Alabama 35040


STATE OF ALABAMA vs. CHARLES E. AND CLARA F.  
BAXLEY

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WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that this Court will make and enter an Order appointing the day for hearing of this Complaint and will cause notice of this Complaint on and notice of the day set for hearing to be issued to the above named Defendant, 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 Defendant 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:

  
BRYANT A. WHITMIRE, JR.  
Special Assistant Attorney  
General for the State of  
Alabama


**STATE OF ALABAMA**

**JEFFERSON COUNTY**

Before me, the undersigned authority in and for said County in said State, personally appeared Bryant A. Whitmire, Jr., 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.

  
BRYANT A. WHITMIRE, JR.

Sworn to and Subscribed before me on this the 3<sup>rd</sup> day of  
September, 19 92.

  
NOTARY PUBLIC

Bryant A. Whitmire, Jr.  
903 City Federal Building  
Birmingham, Alabama 35203  
(205) 324-6631

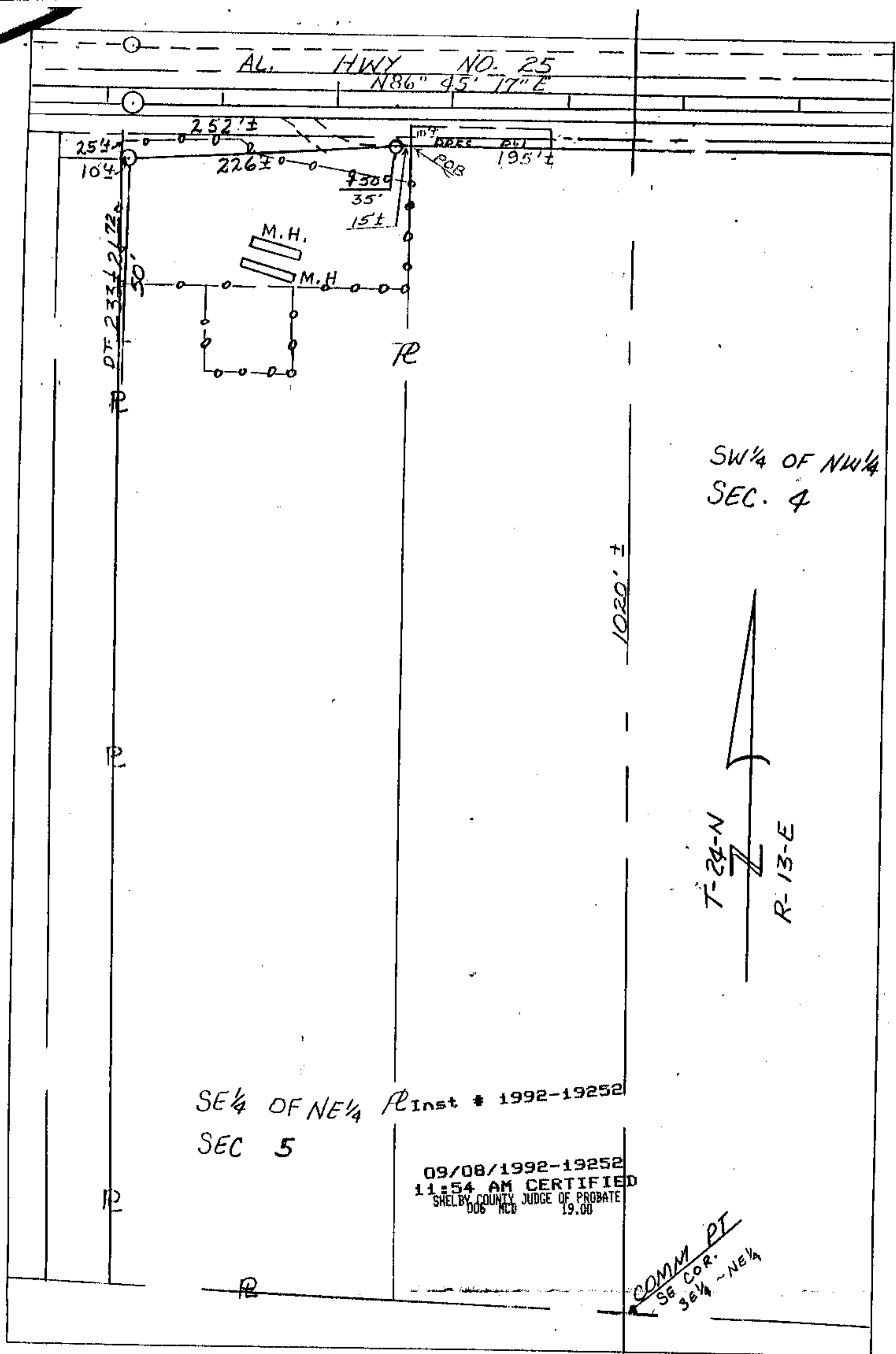


described as follows: and as shown on the right-of-way map of Project No. S-44-10 of record in the State of Alabama Highway Department, a copy of which is also deposited in the Office of the Judge of Probate of Shelby County, Alabama as an aid to persons and entities interested therein and as shown on the Property Plat attached hereto and made a part hereof:

Commencing at the southeast corner of SE $\frac{1}{4}$  of NE $\frac{1}{4}$  Section 5, T-24-N, R-13-E; thence northerly along the east line of said SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , a distance of 1020 feet, more or less, to a point that is 35 feet southeasterly of and at right angles to the centerline of Project No. S-44-10; thence S 86° 45' 17" W, parallel with the centerline of said project a distance of 195 feet, more or less, to the east line of the property herein to be conveyed and the point of beginning; thence continuing S 86° 45' 17" W, parallel with the centerline of said project a distance of 15 feet, more or less, to a point that is 35 feet southeasterly of and at right angles to the centerline of said project at Station 235+50; thence southwesterly along a line, a distance of 226 feet, more or less, to a point that is 50 feet southeasterly of and at right angles to the centerline of said project at Station 233+21.72; thence westerly along a curve to the right (concave northerly) having a radius of 4186.88 feet, parallel with the centerline of said project a distance of 10 feet, more or less, to the west property line; thence northerly along said west property line, a distance of 25 feet, more or less, to the present south right-of-way line of Alabama Highway No. 25; thence easterly along said present south right-of-way line, a distance of 252 feet, more or less, to the east property line; thence southerly along said east property line, a distance of 10 feet, more or less, to the point of beginning.

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Said strip of land lying in the SE $\frac{1}{4}$  of NE $\frac{1}{4}$  Section 5, T-24-N, R-13-E and containing 0.085 acre, more or less.



TRACT NUMBER 6 STATE OF ALABAMA HIGHWAY DEPARTMENT  
OWNER: CHARLES E. BAXLEY PROJ. NO. S-44-10  
COUNTY: SHELBY  
TOTAL ACREAGE: 5.830 SCALE: 1" = 100'  
R/W REQUIRED: 0.085 DATE: 5/14/91  
REMAINDER: 5.745 REVISED: 6-9-92