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SHELBY COUNTY JUDGE
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I certify this to be a true and
correct copy

6/25/92

Probate Judge
Shelby County

STATE OF ALABAMA,
PETITIONER

IN THE PROBATE COURT OF SHELBY COUNTY,

ALABAMA

VS.

K. E. FULTON, et als,
RESPONDENTS

DECREE

This being the day appointed for hearing the Application for Order of Condemnation of State of Alabama, Petitioner, to condemn certain properties more particularly described in said Application for the uses and purposes therein stated,

And it appearing to the satisfaction of the Court that the following named persons and corporations, Respondents named in said Application, as amended, were served with notice of these proceedings and the date and time set for the hearing thereon and the purposes thereof, as required by law, by the Sheriff of Shelby County, Alabama, or by the Sheriff of the County wherein said Respondents reside, or were found, more than ten days prior to this date, as required by law, viz.: K. E. Fulton; Claudie Fulton, The First Bank of Alabaster, a corporation; Stanley Lacey; Jack T. Atchison; C. F. Johnson; W. E. Belcher Lumber Company, Inc. a corporation; Vernard M. Vanderslice; Katherine R. Vanderslice; Belle J. Fulton; Elizabeth P. Fancher; Fuben Fancher; Justina F. Whittington; John Edward Fulton; Addie Elizabeth Whittington Childers; Charley Childers; Allen Fulton Whittington, an infant, Justina F. Whittington, as mother of Allen Fulton Whittington, an infant, F. B. Shaw; Ruby McLane Shaw; E. C. Wooten; Lucy Wooten; James T. Cunningham; Lou Nettie Cunningham; City Federal Savings and Loan Association, a corporation; ~~James H. Cardwell; Margaret Cardwell; G. W. Stagner; Mattie Stagner; Arthur Ellison; Ethel Ellison; C. H. Fulton; Myrtle Fulton; W. S. Pritchard; Alan B. Cheney; Cheney Line and Cement Company, a corporation; James Allen Cardwell; Ina Laoma Cardwell; Merrell Whittington; Thomas Henry Payne, Jr.; Henry C. Thomas; Louis A. Thomas; Wilton H. Thomas; Edna Thomas McMillian.~~

And it further appearing to the satisfaction of the Court that the following named persons and corporations, Respondents named in said Application, as amended, have been given notice of these proceedings and the date and time set for the hearing thereon and the purposes thereof, as required by law, by advertisement published in The Shelby County Reporter, a newspaper published in Shelby County, Alabama, for three weeks before the day appointed for the hearing of said Application, as required by law, viz.: J. W. Fulton, P. A. Aldrich, Essie Mae Aldrich, E. L. Ballard and C. P. Carge and P. M. Laney,

partners doing business as Marlowe's O. K. Rubber Welders, Quimby Sullivan, L. W. Reynolds, J. H. Pratt and Mary Doe Pratt, wife of J. H. Pratt, whose name is otherwise unknown, Maude Payne McBride, Boyd Payne Williams, Maude Thomas (Dickie Thomas Day), Margie Thomas Shaw, Lula Thomas Mize, also the heirs or devisees and personal representatives of the above named persons, if deceased, the names, ages, residences and legal disabilities of any such heirs or devisees and personal representatives being unknown, also, the heirs or devisees and personal representatives of Franklin C. Cheney, deceased, the names, ages, residences, and legal disabilities of such heirs or devisees and personal representatives being unknown, also any other person or corporation owning or claiming any property described in the Application for Order of Condemnation filed in this cause, the names and residences of any such persons or corporations being unknown;

And it further appearing to the satisfaction of the Court that all of the aforementioned Respondents are of sound mind and over twenty-one years of age except as follows: Allen Fulton Whittington is a minor, and some of the Respondents whose names, ages, residences, and legal disabilities are unknown may be minors or persons of unsound mind;

And the Court, having first appointed W. W. Fabren, a practicing attorney at the Columbiana, Shelby County, Alabama, Bar as guardian ad litem to represent and defend the interests of said Allen Fulton Whittington, an infant, and any and all infants, persons of unsound mind, and unknown Respondents in this said cause, and having been satisfied that said guardian ad litem appeared in open court, accepted said appointment in writing, and in writing denied each and every allegation of the Application for Order of Condemnation, as amended, and demanded strict proof thereof, then proceeded in open court to hear said Application, as amended, and all the evidence offered in support thereof and touching thereon, and all evidence offered by all persons who made known to the Court their desire to testify in any capacity or for any purpose;

And it appearing to the satisfaction of the Court from legal and competent evidence offered by Petitioner that the averments of said Application for Order of Condemnation, as amended, are true and correct and that Petitioner is entitled to acquire the lands, interests, and properties herein sought to be

except as said Application, as amended, pertains and applies to Parcel No. 2 of Paragraph 3 thereof; it appearing to the Court that Myra Hines, Shearer Hines Anderson, as Executrix of the Last Will and Testament of J. A. Hines, deceased, Shearer Hines Anderson, Bill Anderson, John A. Hines, Jr., Carol Hines, Elizabeth Hines Bouchillon, Bill Bouchillon, who are parties Respondent to these proceedings and who are designated in Paragraph 3 of said Application, as amended, as "Owners of Parcel No. 2", have not been at this time served with notice of these proceedings as required by law and that Petitioner is hence not at this time entitled to acquire said Parcel No. 2 of Paragraph 3 of said Application by condemnation herein; and it further appearing to the satisfaction of the Court that the Application for Order of Condemnation prayed for by Petitioner should be granted by the Court against all of the Respondents to this cause, except the said Myra Hines, Shearer Hines Anderson, as Executrix of the Last Will and Testament of J. A. Hines, deceased, Shearer Hines Anderson, Bill Anderson, John A. Hines, Jr., Carol Hines, Elizabeth Hines Bouchillon, and Bill Bouchillon, and against all of the properties described in said Application for Order of Condemnation, as amended, except said Parcel No. 2 of Paragraph 3 of said Application, as amended;

And it appearing to the satisfaction of the Court that F. H. Smith, Milton Allen, and Earl Powdoin are resident citizens of Shelby County, Alabama, and that each of said persons possess the qualifications of jurors, and that each of said persons is disinterested and has no interest whatever in these proceedings, and that each of said persons is in all respects competent and qualified to serve as Commissioner to assess the damages and compensation to which the owners and claimants of the said properties herein condemned are entitled;

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED, AND DECREED, by the Court that the said Application for Order of Condemnation, as amended, be and the same is hereby granted, except as said Application, ^{as amended,} applies and pertains to Parcel No. 2 of Paragraph 3 of said Application, as amended, and except as said Application, as amended, applies and pertains to Myra Hines, Shearer Hines Anderson, as Executrix of the Last Will and Testament of J. A. Hines, deceased, Shearer Hines Anderson, Bill Anderson, John A. Hines, Jr., Carol Hines, Elizabeth Hines Bouchillon, and Bill Bouchillon, and that

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the said F. H. Smith, Milton Allen, and Earl Bowdoin be, and they are hereby, appointed Commissioners to assess and appraise the damages and compensation to which the owners and claimants of the said properties described in said Application for Order of Condemnation, as amended, except Parcel No. 2 of Paragraph 3 of said Application, as amended, are entitled and that said persons so appointed Commissioners have notice of their appointment as such Commissioners by written commission issued to them and served upon them by the Sheriff of Shelby County, Alabama, unless they shall accept service, and that said Commissioners proceed with the assessment of said damages and compensations in the manner required by law, and that said Commissioners report their findings in writing under oath to this Court within the time required by law.

Done this 9th day of June, 1959.



 Probate Judge

STATE OF ALABAMA
 SHELBY COUNTY

I, Conrad M. Fowler, Judge of Probate, hereby certify that the within was filed for record the _____ day of _____ 1959 at _____ o'clock _____ M. and recorded in _____ Record _____ at page _____ and the Mortgage Tax _____ Deed Tax _____ has been paid.

 Judge of Probate