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STATE OF ALABAMA,  
PETITIONER

IN THE PROBATE COURT OF SHELBY COUNTY,  
ALABAMA

VS.

ZOLLIE COWART, JR., et als,  
RESPONDENTS

AMENDMENT TO APPLICATION FOR ORDER OF CONDEMNATION

Comes now the Petitioner in the above entitled cause and shows unto the Court that certain properties sought to be condemned in the Application for Order of Condemnation heretofore filed in this cause have been, since the filing of said Application, purchased from and conveyed by the respective owners, parties Respondent in this cause, to Petitioner, said properties being more particularly designated and described as follows: the properties described in paragraphs or "Parcels" Numbers 3, 4, 5, 16, 31, 32, 33, 34, 41, 44, 47, and 54 of Paragraph 3 of said Application.

Petitioner amends said Application for Order of Condemnation by striking from said Application the properties described in paragraphs or "Parcels" Numbers 3, 4, 5, 16, 31, 32, 33, 34, 41, 44, 47, and 54 of Paragraph 3 of said Application and by striking from said Application the following named parties Respondent to said Application: J. W. Ellison, Lular Ellison, James P. Wood, Mabel Wood, W. P. Brown & Sons Lumber Company, a corporation, Merchants and Planters, Montevallo, Alabama, a corporation, Gulf States Paper Corporation, a corporation, Fred Yarbrough, Ernestine Yarbrough, James S. Plant, Norma F. Plant, Ralph M. Aland, Jeanette Aland, Jack Aland, Ellen Aland, Brown Hardnett, Sarah Mae Hardnett, The First Bank of Alabaster, a corporation, Alexander Schoettlin, Anna Barbara Schoettlin, Martha Lula Payne Pardue, Ruth Pardue Lee, Maurice Wilkes Hammond, Jr., Jewel Pardue Hammond, K. L. Hammond, Homer D. Lee, M. W. Hammond, Certie Howard, Almedia Tribble, H. C. Duffie, Ollie Collins, Joseph Hull, Nannie Busse, John Doe Busse, husband of Nannie Busse, whose name is otherwise unknown to Petitioner, John W. Hawkins, J. F. Oates, Ellie H. Oates, Virginia Oates, Dosie Porter, Sadie McDaniel, Susie Benson, Robert Harrison, unknown heirs or devisees and personal representatives of John Butler, deceased, John Doe, Richard Roe, and Sam Poe, whose names are otherwise unknown to Petitioner, but who are partners, doing business as Alabama Clay and Mineral Mining Company, Shelby Clay, Shale, and Mineral Company, Inc., a corporation, E. D. Overstreet, John D. Williamson, and Donald C. King, and by striking the descriptions of said properties and the names of and descriptions designating the identity of said parties from said Application, and Petitioner moves the Court to dismiss

these proceedings against said properties and parties.

Petitioner further shows unto the Court that part of the property sought to be condemned in the Application for Order of Condemnation and which is described in paragraph or "Parcel" No. 7 of Paragraph 3 of said Application has been, since the filing of said Application, purchased from and conveyed by the owners thereof to Petitioner. Petitioner therefore amends said Application for Order of Condemnation by substituting in lieu of the description of property following the sub-heading designated "DESCRIPTION OF LAND REQUIRED" in paragraph or "Parcel" No. 7

of Paragraph 3 of said Application the following description:

"ONLY THAT PORTION OF THE FOLLOWING DESCRIBED PROPERTY WHICH LIES IN THE NE $\frac{1}{4}$  OF NE $\frac{1}{4}$ , SECTION 2, TOWNSHIP 24 NORTH, RANGE 13 EAST: A tract of land designated as Tract Number 8, as shown on the Alabama State Highway Department Right-Of-Way Map, Project No. I-202-2(7), August, 1957, as recorded in the Office of the Judge of Probate of Shelby County, Alabama, being more particularly described as follows: Beginning at Station 95+57.5 where the center line of Project No. I-202-2(7) intersects the south line of the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 1, T-24-N, R-13-E, the southernmost property line; thence westerly along said southernmost property line a distance of 100 feet, more or less, to the south-west corner of said quarter-quarter; thence northerly along the west line of said quarter-quarter, the west property line, a distance of 360 feet, more or less, to the south property line; thence westerly along said south property line a distance of 125 feet, more or less, to the westernmost property line; thence northerly along said westernmost property line a distance of 965 feet, more or less, to the north line of Section 2, T-24-N, R-13-E, the north property line; thence easterly along said north property line (crossing the center line of said project at Station 108+85.3) a distance of 320 feet, more or less, to a point that is 175 feet northeasterly of and at right angles to the center line of said project; thence S 10° 07' E. parallel to the center line of said project a distance of 360 feet, more or less, to a point that is 175 feet north-easterly of and at right angles to the center line of said project at Station 105+00; thence southwesterly along a straight line a distance of 55 feet, more or less, to a point that is 150 feet northeasterly of and at right angles to the center line of said project at Station 104+55; thence S 10° 07' E. parallel to the south line of NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 1, T-24-N, R-13-E, the southernmost property line; thence westerly along said southernmost property line a distance of 150 feet, more or less, to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 2, T-24-N, R-13-E, and containing four acres, more or less.

Also, all existing future, or potential common law or statutory right of access between the right of way of the public way identified as Project No. I-202-2(7), County of Shelby, and all of the above named owners' remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property described above or are connected thereto by other parcels owned by said above named owners."

and by making said substituted description the description of the property sought to be condemned in paragraph or "Parcel" No. 7 of said Application.

Petitioner further shows unto the Court that part of the property sought to be condemned in the Application for Order of Condemnation and which is described in paragraph or "Parcel" No. 21 of Paragraph 3 of said Application has been, since the filing of said Application, purchased from and conveyed by the owners thereof to Petitioner. Petitioner therefore further amends said Application for Order of Condemnation by substituting in lieu of the description of property following the sub-heading designated "DESCRIPTION OF LAND REQUIRED" in paragraph or "Parcel" No. 21 of Paragraph 3 of said Application the following description:

"A tract of land designated as Parcel No. 2 of Tract No. 14-A, as shown on the Alabama State Highway Department Right-Of-Way Map, Project No. I-202-2(7) August, 1957, as recorded in the Office of the Judge of Probate of Shelby County, Alabama, being more particularly described as follows:

PARCEL NO. 2: Beginning at a point on the existing northwest right of way line of State Highway No. 25 that is 400 feet southwesterly of and at right angles to the center line of Project No. I-202-2(7); thence northeasterly along a straight line, which, if extended would pass through a point that is 150 feet southwesterly of and at right angles to said center line at Station 139+00, a distance of 610 feet, more or less, to the east property line; thence southerly along the east property line a distance of 520 feet, more or less, to said existing northwest right of way line; thence southwesterly along said existing northwest right of way line a distance of 100 feet, more or less, to the point of beginning; lying in fractional Section 22, T-22-S, R-2-W, and containing 0.44 acres, more or less.

Also, all existing future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No. I-202-2(7) County of Shelby, and all of the above named owners' remaining real property consisting of all parcels, contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property described above or are connected thereto by other parcels owned by said above named owners."

and by making said substituted description the description of the property sought to be condemned in paragraph or "Parcel" No. 21 of Paragraph 3 of said Application.

Petitioner further shows unto the Court that since the filing of the Application for Order of Condemnation in this said cause, Petitioner has learned that J. O. Anderson and Mary E. Anderson, who are already parties Respondent to this said cause, own or claim to own or are reputed to own the property described in paragraph or "Parcel" No. 21 of Paragraph 3 of said Application for Order of Condemnation, as amended, or some right, title, or interest therein or some portion thereof. Petitioner therefore amends said Application for Order of Condemnation, as amended, by adding, following the sub-heading designated "OWNERS" in paragraph or "Parcel" No. 21 of Paragraph 3 of said Application, the following: "J. O. Anderson, 1747 Sunset Plaza Dr., Hollywood, Calif." and "Mary E. Anderson, 1747 Sunset Plaza Dr., Hollywood, Calif."

Petitioner further shows unto the Court that it is no longer necessary in this said cause for Petitioner to acquire the property described in paragraph or "Parcel" No. 18 of Paragraph 3 of said Application for Order of Condemnation heretofore filed in this said cause. Petitioner therefore amends said Application for Order of Condemnation by striking <sup>from</sup> said Application the property described in paragraph or "Parcel" No. 18 of Paragraph 3 of said Application and by striking the description of said property from said Application, and Petitioner moves the Court to dismiss these proceedings against said property.

  
Attorney for Petitioner