

STATE OF ALABAMA,
PETITIONER

IN THE PROBATE COURT OF SHELBY COUNTY,

ALABAMA

VS.

ZOLLIE COWART, JR., et als,
RESPONDENTSDECREE

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.: Zollie Cowart, Jr.; Sara Cowart; Milford Lee; Johnnie Ruth Lee; Lewis Walker; Imogene T. Walker; J. W. Ellison; Lular Ellison; Mabel Wood; Jewel Pardue Hammond; Ruth Pardue Lee; K. L. Hammond; Homer D. Lee; W. P. Brown & Sons Lumber Company, a corporation; Walter Martin, Jr.; Linnie H. Martin; Pauline Taylor; Margaret Jean Taylor; Lillie Mae Taylor; Lillie Taylor; Lillie Taylor as guardian for Margaret Jean Taylor; Lillie Taylor as guardian for Vera Taylor; Vera Taylor; Rosa Johnson Rutledge; Russell Edwards; Central State Bank, Calera, Alabama, a corporation; James Welby Rasco; Jean Rasco; Joe D. Blair; Cecil Duke, as guardian of Joe D. Blair; Griffie Horton; R. L. Merrell; Williard Merrell; Merchants and Planters Bank, Montevallo, Alabama, a corporation; W. C. Collum; Catherine Collum; W. H. Crawford; T. R. Walton; Clint Harris; Louise Harris; C. O. Chambless; J. O. Anderson; Mary E. Anderson; Marjorie Merle McDaniel; Charles Lee McDaniel; Elizabeth Neal; Gulf States Paper Corporation, a corporation; Fred Yarbrough; Ernestine Yarbrough; Minnie D. Scoggins; Bertha Scoggins Glass; Homer Campbell; Maxine Campbell; Tom Hill; Minnie Lee Hill; James S. Flant; Norma F. Flant; Yola A. Brown; Ethel L. Smoot; Charles T. Smoot; Mose Cook; Ralph M. Aland; Jeanette Aland; Jack Aland; Ellen Aland; John S. Herndon; Jurusha George; New Mt. Moriah Baptist Church, an unincorporated religious association; O. L. DeFamus, as deacon and as trustee of New Mt. Moriah Baptist Church, an unincorporated religious association; Kermit Todd, as deacon and as trustee of

New Mt. Moriah Baptist Church, an unincorporated religious association; Leperia Williams, as deacon and as trustee of New Mt. Moriah Baptist Church, an unincorporated religious association; D. C. Haynes; Estella Haynes; Martha Wallace; Mary M. Sargeant; Brown Hardnett; Sarah Mae Hardnett; The First Bank of Alabaster, a corporation; Paul O. Luck; Clarice W. Luck; Harris M. Gordon; Ruth L. Gordon; J. E. Todd; Amanda Todd; Newton Latimer, Sr.; Daisy Belle Latimer; Johnnie L. Pickett; Nettie J. Brewster; W. E. Atchison; Bernice Atchison; Alexander Schoettlin; Anna Barbara Schoettlin,

And it further appearing to the satisfaction of the Court that the following Respondents named in said Application, as amended, named persons, have accepted service in writing and duly witnessed, in accordance with law, of notice of these proceedings and the date and time set for the hearing thereon and the purposes thereof more than ten days prior to this date, as required by law, viz.: J. D. Presley; Elizabeth Presley; Miles H. Blair; John Paul Blair,

And it further appearing to the satisfaction of the Court that the following named persons and corporations, Respondents named in said Application, ^{as amended,} who either are non-residents of the State of Alabama (and the heirs or devisees and personal representatives of such persons, if deceased, whose names, ages, and residences are unknown), ^{or are corporations whose residences and addresses are unknown,} or are persons whose ages and residences are unknown (and the heirs or devisees and personal representatives of such persons, if deceased, whose names, ages, and residences are unknown), 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 prior to this date, as required by law; viz.: The Federal Land Bank of New Orleans, a corporation; John Paul Blair; Gertrude W. Blair; Lee Kell Blair; Lorene Blair; Miles H. Blair; Marion Blair; James D. Blair; Borden Morris; Mary Doe Morris, wife of Borden Morris, whose name is otherwise unknown; Alma Roberson; Lola W. Calhoun; Peter Calhoun, Jr.; Charles E. Lewis; Eliza Jenie Johnson Lofton; Corneal Johnson Brown; Mitchell Blair; E. D. Overstreet; Martha Lula Payne Pardue; Maurice Wilkes Hammond, Jr.; M. W. Hammond; Levi Johnson; Clint Harris; Arthurine Wood; Eugene Wood; J. B. Arant; Dovie Ruth Scoggins; Richard Roe Scoggins, husband of Dovie Ruth Scoggins, whose name is otherwise unknown; John Butler; Mary Butler; Lou Emily Hill; Sam Poe Hill, husband of Lou Emily Hill, whose name is otherwise unknown; Henry W. Lowe; Rosa Lee Lowe; Green Herndon; Mary Herndon; Arthur Brown; Susan Hart; Joe Bell; Katie Bell;

Will Welch; Mack Goodlet; Mary Doe Goodlet, wife of Mack Goodlet, whose name is otherwise unknown; Lucille Johnson Moore; Norris Johnson; Estelle McDaniel; James A. Snoddy; Audrey E. Snoddy; F. J. Mitchell; John D. Williamson; Donald C. King; William Shaw; Fay Shaw; Cecil Shaw; Velma Shaw; Lucille Pearl S. Rutherford; Courtland Rutherford; John Gorden; C. H. Schuler; Gertie Howard; Ollie Collins; H. C. Duffie; Joseph Hull; Nannie Busse; John Doe Busse, husband of Nannie Bussie, whose name is otherwise unknown; John W. Hawkins; J. F. Oates; Ellie H. Oates; Virginia Oates; Almedia Tribble; J. O. Self; Dosie Porter; Sadie McDaniel; Susie Benson; Robert Harrison; Charles C. Jefferie; James P. Wood; J. B. Carter; Mary Doe Carter, wife of J. B. Carter, whose name is otherwise unknown; Parthena Wallace Sanders; J. Stanley Sargeant; Shirley S. Sargeant; J. C. Sargeant, Jr.; Floyd T. Pickett; Southern Lime Corporation, a corporation; Shelby Clay, Shale, and Mineral Company, Inc., a corporation;

And it further appearing to the satisfaction of the Court that the following persons and corporations, Respondents named in said Application, as amended, whose names, residences, and ages are unknown (and the heirs or devisees and personal representatives of such persons, if deceased, whose names, ages, and residences are also unknown), have been given notices 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 prior to this date, as required by law, viz.: All persons or corporations claiming any title to, interest in, lien or encumbrance on the following described property, or any part thereof, such persons or corporations, and their names, ages, and residences being unknown: A tract of land designated as Tract Number 14-C, 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 a point where the east property line intersects the existing south right of way line of State Highway No. 25; thence westerly along said existing south right of way line a distance of 430 feet, more or less, to a point that is 50 feet southerly of and at right angles to the center line of relocation of Alabama Highway No. 25 at Station 45+00; thence easterly, parallel to said center line, along a curve to the left (concave northerly) having a radius of 5779.65 feet a distance of 430 feet, more or less, to the east property line; thence northerly along the east property

line a distance of 60 feet, more or less, to the point of beginning; lying in fractional Section 22, T-22-S, R-2-W, and containing 0.18 acres, more or less; the trustees and former stockholders and present owners of the assets of Southern Lime Corporation, a corporation, if said corporation is dissolved or is not in existence; John Doe, Richard Roe, and Sam Poe, whose names are otherwise unknown, but who are partners, doing business as Alabama Clay and Mineral Mining Company; the unknown heirs or devisees and personal representatives of Mannie Seals Shaw, deceased; the unknown heirs or devisees and personal representatives of John Seale, deceased; the unknown heirs or devisees and personal representatives of Tom Seals, deceased; the unknown heirs or devisees and personal representatives of John Butler, deceased; the unknown heirs or devisees and personal representatives of Mary J. Roberson, deceased; the unknown heirs or devisees and personal representatives of George Smith, deceased; the unknown heirs or devisees and personal representatives of Anderson Brown, deceased; and the heirs or devisees and personal representatives of any of the named parties Respondent to this cause who may be deceased, the names of any such persons being unknown, and any other person or corporation owning or claiming any property described in the Application for Order of Condemnation/^{as amended,} heretofore filed in this cause, the names 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: Margaret Jean Taylor and Vera Taylor are both minors; Joe D. Blair is a person of unsound mind; and some of the Respondents whose names, ages, residences, and mental conditions are unknown may be minors or persons of unsound mind;

And the Court, having first appointed W. W. Rabren, a practicing attorney at the Columbiana, Alabama, Bar as guardian ad litem to represent and defend the interests of said Margaret Jean Taylor, Vera Taylor, Joe D. Blair, and any and all infants, persons of unsound mind, and unknown parties to this proceeding, 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 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 the same;

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 condemned for the public purposes set forth in said Application,^{as amended,} and that the Application for Order of Condemnation prayed for by Petitioner should be granted by the Court against all of the Respondents aforementioned and against all of the properties described in said Application for Order of Condemnation, as amended;

And it appearing to the satisfaction of the Court that A.B. Bristow, John A. Hines, Jr., and L.C. Taylor, are resident citizens of Shelby County, Alabama, and^{that} each of said persons possess the qualifications of jurors, and that each of said persons are disinterested and have no interest whatever in this proceeding, and that each of said persons are in all respects competent and qualified to serve as Commissioners to assess the damages and compensation to which the owners and claimants of the said properties herein condemned are entitled;

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED by the Court that the said Application for Order of Condemnation^{as amended,} be and the same is hereby granted and that the said A.B. Bristow, John A. Hines, Jr., and L.C. Taylor, 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,} 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 compensation in the manner required by law, and that said Commissioners report their findings in writing under oath to the Court within the time required by law.

Done this 5th day of December, 1958.


Judge of the Probate Court of Shelby
County, Alabama