

1992-23772
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FILED
MAY

I certify this to be a true and
correct copy

6/25/92

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Probate Judge
Shelby County

STATE OF ALABAMA
PETITIONER

IN THE PROBATE COURT OF

SHELBY COUNTY,

VS.

ALABAMA

MILFORD LEE, et als,
RESPONDENTS

Now come the State of Alabama, Petitioner in the above styled cause, and Dean Whitner and wife, Billie D. Whitner, and J. B. Finely and wife, Leola Finley, Respondents in said cause, and represent and show unto the Court as follows:

1. That said Respondents and the First Bank of Alabaster, a corporation, are all of the owners and claimants of the land and properties described or designated as Parcel No. 6 of Paragraph 3 of the Application for Order of Condemnation, as amended, heretofore filed in said cause.

2. That said First Bank of Alabaster claims its interest in said property as mortgage of that certain mortgage recorded at page 185 of Mortgage Book 254, Office of Judge of Probate, Shelby County, Alabama.

3. That on, to wit, the 24th day of September, 1959, a final order of condemnation was entered in this court condemning said land and properties for the uses and purposes set forth in said amended Application and assessing the damages and compensation to be awarded to said Respondents and the First Bank of Alabaster, a corporation, at \$5,265.00, said condemnation being conditioned on said sum together with costs being paid into this Court; that subsequent thereto and in compliance with said decree, the State of Alabama paid said sum together with costs into this Court, as provided by law, and that said sum is still on deposit in this Court.

4. That the time for appealing to the Circuit Court of Shelby County, Alabama, from said final order of condemnation has not yet expired, and the State of Alabama and said Respondents, who are all of the parties interested, so far as these proceedings are concerned, in said land and properties and in the damages and compensation to be awarded therefore, have reached an agreement concerning those premises, the said Respondents agreeing to deliver the attached right of way deed conveying said land and properties to the State of Alabama for a cash consideration for \$4,600.00, which is more than the balance due on said mortgage recorded at page 185 of Mortgage Book 254, and the State of Alabama agreeing to pay said consideration, and further agreeing not to appeal in this cause to the Circuit Court of Shelby County, Alabama.

22 SEP 77
COURT

THE PREMISES CONSIDERED, the State of Alabama and the undersigned Respondents petition this Court to pay to said Respondents from said sum of \$5,265.00, which is now on deposit in this Court the sum of \$4,600.00 in accordance with said agreement, to record the attached right of way deed in the public records of Shelby County, Alabama, to refund to the State of Alabama the difference of \$665.00, less any costs, the check for said sum of \$4,600.00 to be made jointly payable to said Respondents and to the First Bank of Alabaster, a corporation.

Leon Whitner, Respondent

STATE OF ALABAMA

Billie D. Whitner, Respondent
his

A.B. x Finley, Respondent
marks

Leola Finley, Respondent

By [Signature]
Special Assistant Attorney
General for the State of
Alabama

STATE OF ALABAMA
SHELBY COUNTY

I, Conrad M. Fowler, Judge of Probate, Inst. # 1992-23772
was filed for record the 10/16/1992 at 2:22 o'clock PM and
recorded in Record 12-22-PM at 12:22 PM the Mortgage Tax
Deed Tax has been paid.

SHELBY COUNTY JUDGE OF PROBATE

002 MCD

9.00

Judge of Probate

12 PAGE 426