

IN THE PROBATE COURT
OF SHELBY COUNTY, ALABAMA

STATE OF ALABAMA,

Plaintiff,

v.

DARRYL ANN SCHILLI TRUSTEE, FOR #
DAVID M. SCHILLI AND ROBERT B.
SCHILLI, JR., SOUTHTRUST
BANK OF ALABAMA, N.A. (f/k/a
Birmingham Trust National Bank),
MATERIAL DELIVERY SERVICE,
INC. and ANNETTE SKINNER, Tax
Collector for Shelby County, Alabama,

Defendants.

CASE NUMBER: 31-091

12/07/1992-29177
11:20 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
005 MCD 16.50

DECREE OF CONDEMNATION BY PROBATE COURT

This cause coming on to be heard after submission of the report of commissioners heretofore appointed in this cause seeking an order of condemnation of the lands described in Attachment A attached hereto and in the said report of the commissioners filed in said cause and also described in the petition of the State of Alabama, for an order of condemnation; and it appearing that this Court previously heard the allegations of said petition and all legal evidence offered by the parties touching the same and it further appearing that this Court made an order granting said application for the condemnation of the property described in the said application or petition and as hereinafter described and did appoint George Seales, Henry Caton and J.D. "Buck" Faulkner, three citizens of Shelby County, Alabama, in which the lands sought to be condemned are situated and who were and are disinterested and who possess the qualifications of jurors in Shelby County, Alabama, as commissioners to assess the damages and the compensation to which the respondents or defendants described in said petition are entitled.

It further appears to this Court that notice of the appointment of the said three named persons as commissioners was issued by this Court, as required by law, and that service of such notice was accepted by each of said persons.

It further appears to this Court that the said commissioners, before entering upon the discharge of their duties in the premises, were sworn as jurors are sworn, and that they did thereafter receive all legal evidence offered by the parties touching the amount of damages the owners of said parcels of land will sustain and the amount of just compensation they are entitled to receive; and it further appearing to the Court that the said commissioners did on the 16th day of October, 1992, as

to the tract numbered 7, as described in the said petition make a report in writing to this Court setting out the amount of damages and compensation ascertained and assessed by them which should be awarded as to the said respective tracts.

It further appears to this Court that the said commissioners did also file a certificate along with their award that none of them has ever been consulted, advised with or approached by any person in reference to the value of the land or the proceedings to condemn the same prior to the assessment of damages, and that they knew nothing of the same prior to their appointment.

It further appears to this Court that the damages and compensation ascertained and assessed by the said commissioners for the respondents or owners as to the parcels or tracts of land named above has been deposited in this Court, and that all things necessary and required by the laws of the State of Alabama have been done and performed by the State of Alabama, as plaintiff.

IT IS THEREFORE, ORDERED, ADJUDGED and DECREED and it is the judgment of this Court that property sought to be condemned in said petition for order of condemnation (as more particularly described as Tract 7 therein) be, and the same hereby is, condemned, granted, and awarded to the State of Alabama as plaintiff.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the plaintiff is hereby given and awarded fee simple title to and a right of way and easement in, over, on, and upon the hereinabove described lands, together with the right to remove all improvements, trees, undergrowth and other obstructions situated on said lands and the right to prevent any persons from placing or maintaining any obstructions on or upon said lands and also the right to enter upon said lands for the purpose of constructing, maintaining and repairing the public road or highway for which said lands are sought to be, and which hereby is, condemned, and for the uses and purposes sought in the petition or complaint for condemnation as amended.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the fee simple title to and a right of way or easement, in, over, on, or upon the hereinabove lands be, and the same hereby is, divested out of the defendants in this cause and is hereby vested in the plaintiff, the State of Alabama, and the State of Alabama, the plaintiff in this cause, is hereby given and awarded the right to the immediate possession of the property hereinabove described for the uses and purposes set out in said petition or complaint for condemnation as amended and as set out in this order.

IT IS FURTHER ORDERED, ADJUDGED and DECREED and it is the judgment of this Court that the parties whose names are set out hereinbelow are entitled to the amounts set forth below which said sums are ordered to be paid over to the respondents or defendants in this cause named hereinbelow for each said tract and, if by agreement of all the parties hereto or if otherwise necessary, jurisdiction is retained of this cause under Section 18-1A-291, Code of Alabama, (1975) and other relevant sections, so

as to make any necessary distribution or apportionment of funds among the parties or respondents. The persons owning each respective tract and the amounts of just compensation awarded as to the said tract are as follows:

TRACT NO. 7 (\$ 300.⁰⁰)

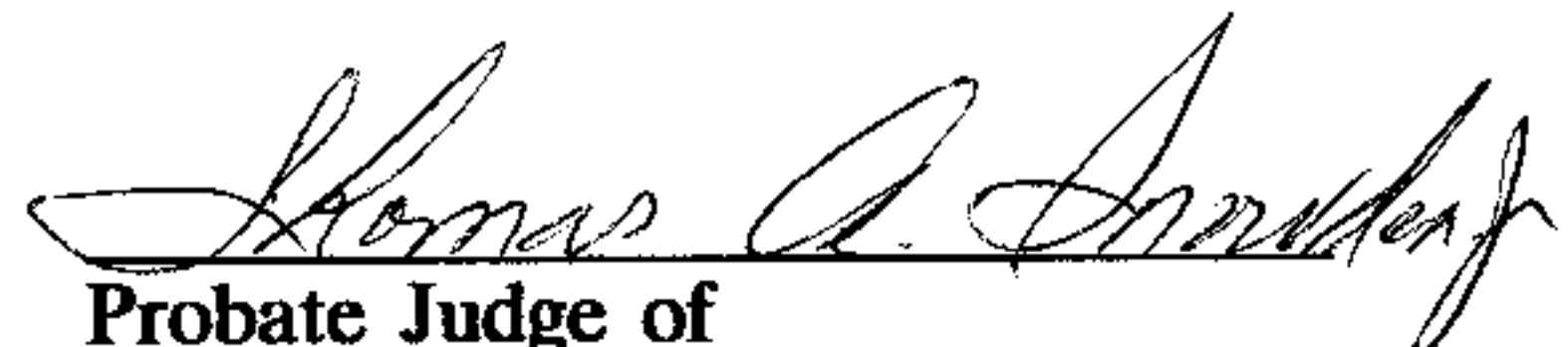
OWNER: Darryl Ann Schilli, Trustee For David M. Schilli and
Robert B. Schilli, Jr.
13024 Prembrooke Valley Court
St. Louis, Missouri 63141

LIENHOLDERS: Material Delivery Service, Inc.
Attention: Mr. Robert B. Schilli, Jr.
P. O. Box 679
Alabaster, AL 35007

Annette Skinner, Tax Collector
Shelby County Courthouse
Shelby County, Alabama

IT IS FURTHER ORDERED, ADJUDGED and DECREED by this Court that all costs incurred in this cause be, and the same hereby are, taxed against the plaintiff, the State of Alabama.

ORDERED on this the 1st day of December, 1992.


Probate Judge of
Shelby County, Alabama

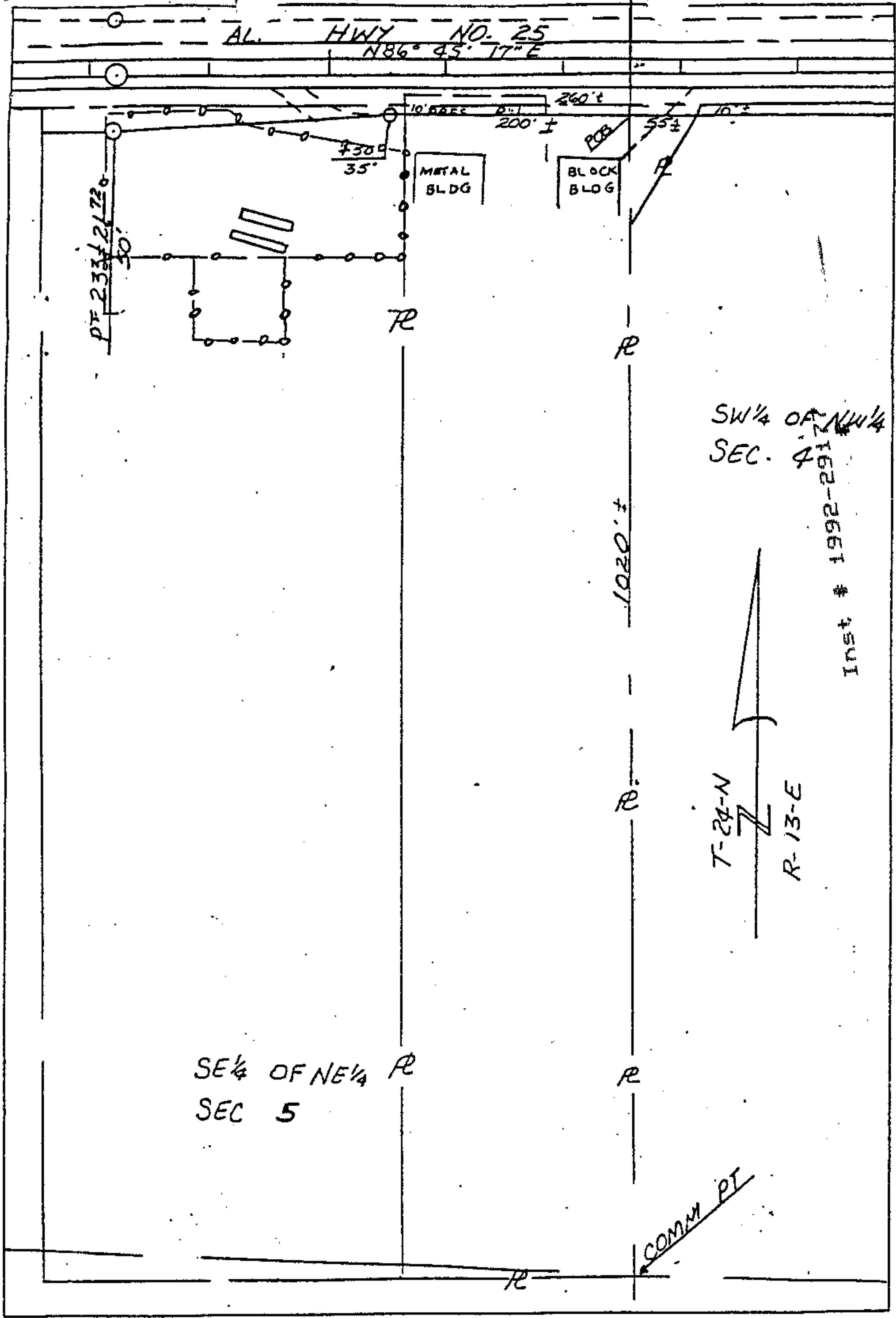
ATTACHMENT A

PAGE 1 OF 2

The following described property, lying and being in Shelby County, Alabama, and more particularly described as follows (and as also shown on the right of way map of Project No. ST-44-10 on record in the State of Alabama Highway Department and recorded in the Office of the Judge of Probate of Shelby County, Alabama and as shown on the Property Plat attached hereto and made a part hereof):

Commencing at the southwest corner of SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 4, T-24-N, R-13-E; thence northerly along the west line of said SW $\frac{1}{4}$ of NW $\frac{1}{4}$, 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 and the point of beginning of the property herein to be conveyed; thence S 86° 45' 17" W, parallel with the centerline of said project, a distance of 200 feet, more or less, to the west property line; thence northerly along said west property line a distance of 10 feet, more or less, to the present south right-of-way line of Alabama Highway No. 25; thence easterly along said south right-of-way line a distance of 260 feet, more or less, to the southeast property line; thence southwesterly along said southeast property line, a distance of 10 feet, more or less, to a point that is 35 feet southeasterly of and at right angles to the centerline of said project; thence S 86° 45' 17" W, parallel with the centerline of said project, a distance of 55 feet, more or less, to the point of beginning.

Said strip of land lying in the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 5 and SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 4, T-24-N, R-13-E and containing 0.06 acre, more or less.



Inst # 1992-29177
12/07/1992-29177
11:20 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
16.50
QOS MCD

TRACT NUMBER 7 STATE OF ALABAMA HIGHWAY DEPARTMENT
OWNER: DAVID M. SCHILLI PROJ. NO. S-44-10
COUNTY: SHELBY
TOTAL ACREAGE: 4.812 SCALE: 1" = 100'
R/W REQUIRED: 0.06 DATE: 5/14/91
REMAINDER: 4.752 REVISED: 11/2/92