

IN THE PROBATE COURT FOR SHELBY COUNTY, ALABAMA

STATE OF ALABAMA,

Plaintiff,

vs.

HAROLD R. WALKER; FRANCES J. WALKER; ANNETTE D. SKINNER, Tax Collector; and BOBBIE REYNOLDS, Tax Assessor; and any and all other persons, firms, associations and corporations who claim or hold any right, title, or interest in the hereinafter described real estate situated in Shelby County, Alabama,

Defendants.

CASE NO. 2-132

Inst. # 1992-29579

12/09/1992-29579
03:52 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE

I certify this to be a true and correct copy

4/25/92

Probate Judge
Shelby County

Your Petitioner, the State of Alabama, would respectfully represent and show unto the Court as follows:

1. The State of Alabama has the right of Eminent Domain pursuant to the provisions of Chapter 1, Title 18, Code of Alabama 1975 and Section 23-1-45, Code of Alabama 1975, to acquire by condemnation property for public use when the acquisition of such property is in the public interest.

2. The State of Alabama Highway Department has deemed the acquisition of the hereinafter described real estate to be in the public interest and necessary for public use as a right-of-way for the construction and maintenance of a public road as shown by the Right-of-way Map of Project No. RS-5936(102) filed in the Office of Judge of Probate of Shelby County, Alabama, and by written direction of the Governor of the State of Alabama and the Attorney General of the State of Alabama, William T. Harrison, has been appointed Attorney of Record for the State of Alabama and authorized to prosecute this action for condemnation of the property hereinafter described.

3. The designated tract numbers, owners, and descriptions of the real estate sought to be acquired in this proceeding are as follows:

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TRACT NO. 3

Harold R. Walker and wife, Frances J. Walker, c/o Green Valley Realty, 2105 Old Montgomery Highway, Pelham, Alabama, and Annette D. Skinner, Tax Collector, Shelby County Courthouse, Columbiana, Alabama, are the record owners and parties believed to claim or hold a right, title or interest in the subject property, a legal description of the subject property is attached to this Petition marked Exhibit "A" and incorporated herein by reference.

4. Petitioner avers that a diligent search has been made of the records in the Office of Judge of Probate of Shelby County, Alabama, affecting title to the herein described real estate and if there are other persons or corporations who own or claim an interest in the said real estate the same are unknown to your Petitioner.

5. Petitioner further avers that it is necessary to acquire a right-of-way in fee simple over, upon and across the herein described real estate for the purposes of constructing and maintaining the said Project No. RS-5936(102) which is proposed to be a public road right-of-way in accordance with Section 23-1-45, Code of Alabama 1975.

WHEREFORE, THE PREMISES CONSIDERED, your Petitioner prays as follows:

1. That the Court will make and enter an Order setting the hearing of this Petition and appointing a guardian ad litem to represent the interest of any and all unknown persons, firms, associations, and corporations who may claim or hold any right, title or interest in the herein described real estate.

2. That the Court will cause a copy of this Petition and the order setting the same for hearing to be served upon all parties residing in the State of Alabama who claim or hold any right, title or interest in the herein described real estate by the Sheriff of Shelby County, Alabama, at least ten days before the day appointed for said hearing.

3. That the Court will cause notice of this Petition and the Order setting the same for hearing to be published in a newspaper in Shelby County, Alabama for three (3) consecutive weeks prior to the date of said hearing.

4. That upon a hearing of said Petition, your Petitioner prays that the Court will make and enter an Order granting the said Petition for Condemnation, appointing Commissioners to assess and determine the damages and compensation to be awarded the owners of said property, and that the Court will make and enter all such other Orders and Decrees as shall be necessary and appropriate to vest fee simple title in your Petitioner to the above described property for the uses and purposes herein mentioned.

HARRISON, CONWILL, HARRISON & JUSTICE

BY:

William T. Harrison
Attorney for the State of Alabama

STATE OF ALABAMA

COUNTY OF SHELBY

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared William T. Harrison, who is known to me and who being by me duly sworn, deposes and says that he is the attorney employed by the State of Alabama authorized to prosecute this action in its behalf and that the allegations contained in the foregoing Petition are true and correct according to his knowledge, information, and belief.

BY:

William T. Harrison
Attorney for the State of Alabama

Sworn to and subscribed before
me on this the 27th day of
October, 1982.

Michele Harless
Notary Public

Filed this 1 day of Dec. 1982
THOMAS A. SNOWDEN JR.
Judge of Probate

EXHIBIT "A"

TRACT 3

Said property is shown on the right-of-way map of Project No. RS-5936(102) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

Commencing at the Northwest corner of the NE 1/4 of NE 1/4, Section 16, Township 19 South, Range 3 West; thence easterly along the north line of said NE 1/4 of NE 1/4 a distance of 1043 feet, more or less, to the present southeast right of way line of Alabama Highway No. 261; thence southwesterly along said present southeast right of way line a distance of 432 feet, more or less, to the northeast line of the property herein to be conveyed and the point of beginning; thence southeasterly along the northeast property line a distance of 45 feet, more or less, to point on a line which extends from a point that is 50 feet southeasterly of and at right angles to the centerline of construction on Project No. RS-5936(102) at Station 242+40.79 to a point that is 60 feet southeasterly of and at right angles to said centerline of construction at Station 240+00; thence southwesterly along said line a distance of 48 feet, more or less, to said point that is 60 feet southeasterly of and at right angles to said centerline of construction at Station 240+00; thence southwesterly along a line a distance of 256 feet, more or less, to a point that is 55 feet southeasterly of and at right angles to said centerline of construction at Station 237+50; thence southerly along a line a distance of 25 feet, more or less, to a point on the present northeast right of way line of Alabama Highway No. 275 that is northeasterly of and at right angles to the Traverse of said Alabama Highway No. 275 at Station 9+00; thence northwesterly along said present northeast right of way line a distance of 75 feet, more or less, to the present southeast right of way line of Alabama Highway No. 261; thence northeasterly along said present southeast right of way line a distance of 308.03 feet to the point of beginning.

Said strip of land lying in the NE 1/4 of NE 1/4, Section 36, Township 19 South, Range 3 West, and containing 0.37 acres, more or less.

THE OWNERS OF THE ABOVE DESCRIBED PROPERTY IS AS FOLLOWS:

Harold R. Walker and wife, Frances J. Walker
c/o Green Valley Realty
2105 Old Montgomery Highway
Pelham, Alabama 35124

Filed this 1 day of Dec. 1983
THOMAS A. SNOWDEN JR.
Judge of Probate

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SHELBY COUNTY JUDGE OF PROBATE
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