

STATE OF ALABAMA )  
 ) IN THE PROBATE COURT  
Plaintiff, )  
 ) OF SHELBY COUNTY  
vs. )  
 ) ALABAMA  
 )  
JAMES D. FOSTER, ET AL )  
 )  
Defendant(s). ) CASE NO. 20 - 3

DECREE OF CONDEMNATION

THIS CAUSE was submitted to the Court for a Decree confirming the report of the commissioners heretofore appointed in said cause and for an Order of Condemnation as to the lands described in the commissioner's report and in the original petition filed in this court by the State of Alabama, and it appearing to the Court that on the 15 day of October, 1976, this Court heard the allegations of the Petition filed by the State of Alabama, in this cause and all legal evidence presented by any interested party and on the 30 day of October, 1976, the Court made an order granting said Petition for the condemnation of the property described as follows:

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- A. Parcel No. 1, Tract No. 45-A: James D. Foster, et al
- B. Parcel No. 2, Tract No. 49: Delores Whisenant, et al
- C. Parcel No. 3, Tract No. 50-B: Peggy Spain McDonald, et al

I certify this to be a true and correct copy  
James A. [Signature]  
6/25/92 Probate Judge  
Shelby County

Filed this 1 day of Dec 1976

Inst # 1993-03432  
02/04/1993-03432  
03:25 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 REC 11.50

That the Court appointed Robert Dow, Joe  
Scotch Jr, and Joe Littlefield, each being citizens  
of Shelby County, Alabama, the county in which the lands or part  
of the lands to be condemned are situated, who are disinterested  
and who possessed the qualifications of jurors to assess the dam-  
ages and compensation to which the defendants in this cause are  
entitled; and it appearing to the Court that notice of the appoint-  
ment of the said Commissioners was issued by this Court to the  
Sheriff of Shelby County and by said Sheriff served on them as  
required by Law; that said Commissioners were sworn and did  
view the property sought to be condemned and thereafter received  
all legal evidence offered by the parties relative to the amount  
of damages the owners of said property will sustain and the amount  
of compensation to which they are entitled; that the Commissioners  
did, on to-wit: the 30 day of October, 1976,  
make their report in writing to this Court stating:

A. Parcel No. 1, Tract No. 45-A: James D. Foster, et al

THE SUM OF: \$ 73,000<sup>00</sup>

B. Parcel No. 2, Tract No. 49: Delores Whisenant, et al

THE SUM OF: \$ 47,500<sup>00</sup>

C. Parcel No. 3, Tract No. 50-B: Peggy Spain Mc Donald, et al

THE SUM OF: \$ 53,000<sup>00</sup>

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These to be the amount of damages and compensation assessed by them for the taking and condemnation of said property, and it further appearing to the Court that said Commissioners filed a certificate along with their Award stating none of them has ever been consulted, advised with or approached by any person in reference to the value of the property of the proceedings to condemn the same prior to the assessment of damages and that they knew nothing of the same prior to their appointment, and the Court having considered and understood all of the hereinabove stated matters, it is hereby;

ORDERED, ADJUDGED AND DECREED, By the Court, that Applicant, The State of Alabama, pay all costs incurred in this cause;

And it further appearing to the Court that the damages and compensation so ascertained and assessed by said Commissioners for the defendants, named in the above styled cause, have been deposited in this Court;

And it further appearing to the Court that all things necessary and required by the Laws of the State of Alabama have been done and performed by the applicant;

It is further ORDERED, ADJUDGED, AND DECREED, That the property sought to be condemned by said Petitioner, be condemned, granted, and awarded to the applicant, The State of Alabama, and all right, title and interest prayed for in said Petition which is now condemned, granted and awarded to the applicant in and by this Decree, be and the same is hereby divested out of said defendants and vested in the applicant, The State of Alabama, and this is the judgment of the Court.

DONE THIS THE 4 DAY OF December, 1976.  
Inst # 1993-03432

Courts M. Fowler  
PROBATE JUDGE  
SHELBY COUNTY, ALABAMA

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