

STATE OF ALABAMA

Plaintiff,

vs.

JOHNNY BUSBY, ET AL

Defendants.

TRACT NO. 13-A

Johnny Busby 643-6211  
Hodges Street  
Alabaster, Alabama  
(Fungo Hollow Middle Road)

Pamela Busby  
Hodges Street  
Alabaster, Alabama  
(Fungo Hollow Middle Road)

TRACT NO. 13-B

D. M. Busby  
Hodges Street  
(Fungo Hollow Middle Road)  
Alabaster, Alabama 643-4577

Marquerite C. Busby  
Hodges Street  
(Fungo Hollow Middle Road)  
Alabaster, Alabama

TRACT NO. 28

Gladye M. Gane 661-2225  
Rt. 2, Box 812  
Alabaster, Alabama  
Palham

TRACT NO. 45

James A. Jones  
~~Rt. 19, Box 145~~ 852-4482 3957  
Helena, Alabama  
Blom  
MATTIE I. JONES  
~~Rt. 19, Box 145~~  
Helena, Alabama Blom 35244

TRACT NO. 48-B

Edgar B. King  
1225 5th Avenue West /  
Birmingham, Alabama

Christine King  
1225 5th Avenue West /  
Birmingham, Alabama

IN THE PROBATE COURT

OF SHELBY COUNTY,

ALABAMA

CASE NO: 19-276TRACT NO. 48-D

Kay Snell  
Rt. 19 Box 164  
Helena, Alabama  
Blom

AS TO ALL TRACTS

Fay Quick, Tax Collector  
Shelby County Courthouse  
Columbiana, Alabama

Tommy Snowden, Tax Assessor  
Shelby County Courthouse  
Columbiana, Alabama

Project No. I-65-2(37)

Tracts 13-A, 13-B, 28, 45,  
48-B, and 48-D

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

APPLICATION FOR ORDER OF CONDEMNATION

Filed this 21 day of July 19 76  
CONRAD M. FOWLER  
Judge of Probate

Inst. • 1993-03436

Inst. • 1993-03435

08/04/1993-03435  
03:37 PM CERTIFIED  
J.M.

TO THE HONORABLE CONRAD H. FOWLER JUDGE OF PROBATE COURT OF  
SHELBY COUNTY, ALABAMA

Now comes the State of Alabama, as Plaintiff, and files this, it's application in the Probate Court of Shelby County, Alabama, for an Order of Condemnation of the lands and properties hereinafter described for public roads and highway purposes, and, as a basis for the relief sought, shows unto the Honorable Court as follows:

1. Petitioner is authorized by the Constitution and the Laws of the State of Alabama, to institute and prosecute this proceeding in it's own name for the purposes herein stated: That the places of residence or post office addresses of the person or entities against whom this application is filed each reside at the address set opposite his or her name, and are of sound mind and who are residents of the State of Alabama. Petitioner avers that the lands set out and described herein are owned by the defendant set out underneath the description of the said lands, and avers that each of the individual defendants are over the age of 21 years, and under no legal disability, unless otherwise specifically recited. Petitioner further avers that the corporate defendant named, if any, are incorporated or qualified to do business in the State of Alabama, unless otherwise indicated.

2. That the State of Alabama is now engaged in the planning or construction of a certain public road or highway, said public road or highway to be known or designated as State of Alabama Highway Department Project No. I-65-2(37); that said public road or highway will be a highway, and that part of the property herein sought to be condemned is the respective property owners' rights and easements of access between the said public road or highway

right of way and the said property owners' real property, if any, as is more specifically described and set out in Paragraph Three (3) below; including rights of access where applicable and where designated, is necessary to effect said public road or highway, and that said lands and properties will be used after the acquisition thereof to effect said public road or highway; that by reason of the foregoing, the acquisition of the lands and properties hereinafter described in Paragraph 3 below is in the public interest.

3. That the tract(s) of land necessary for use by Petitioner as a right of way for said public road or highway purposes, and which Petitioner seeks to condemn an easement or right of way in, over, upon, or across for said public road or highway purposes, together with other properties herein sought to be condemned which is necessary to effect said public road or highway as a road, or highway, are more particularly described or designated as the following separate paragraph(s), or "Parcel(s)", and that the names and residences of the owners and other parties who claim or who hold any right, title or interest in said "Parcel(s)" are stated, where known, immediately following each said "Parcel(s)", as follows, to-wit:

PARCEL NO. 1

SHELBY

TRACT NO. 13-A

Shelby

and is shown on the right-of-way map of Project No. I-65-2(37) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

Commencing at the southwest corner of the SW $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 18, T-20-S, R-1-W; thence northerly along the west line of said SW $\frac{1}{4}$  of NW $\frac{1}{4}$ , a distance of 330 feet, more or less, to the south line of the property herein to be conveyed and the point of beginning; thence easterly along the south property line, a distance of 70 feet, more or less, to the present northwest right-of-way line of Shelby County Road No. 35; thence northeasterly along said present northwest right-of-way line, a distance of 20 feet, more or less, to a point that is 125 feet southeasterly of and at right angles to the centerline of the right lane of Project No. I-65-2(37); thence N 22° 17' 30" E, parallel to said right lane, a distance of 21 feet, more or less, to the northwest property line; thence southwesterly along said northwest property line, a distance of 95 feet, more or less, to the point of beginning.

Box 42 p. 120

Said strbs of land being in the SW1 of NE1, Section 18,  
T-22-S, R-1-W and containing 0.20 acres, more or less.

As a part of the consideration hereinabove stated there  
is also bargained, sold, conveyed and relinquished to the  
grantee all existing, future, or potential common law or  
statutory rights of access between the right of way of the  
public way identified as Project No. 1-65-2(77), County of  
Shelby, and all of the grantor's remaining property con-  
sisting of all parcels contiguous one to another, whether  
acquired by separate conveyances or otherwise, all of  
which parcels either adjoin the property conveyed by this  
instrument or are connected thereto by other parcels  
owned by the grantor.

THE OWNERS OF PARCEL NO. 1 ARE AS FOLLOWS:

Johnny Bushy, and Pamela Bushy

BOX 42 ME 121

John Bushy  
Tract No. 13-A  
July 10, 1974

PARCEL NO. 2

SHELBY

TRACT NO. 13-B

Shelby

and as shown on the right-of-way map of Project No. I-65-2137) as recorded in the Office of the Judge of Probate of Shelby County, Alabama.

Commencing at the southwest corner of the SW $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 18, T-20-S, R-3-W; thence northerly along the west line of said SW $\frac{1}{4}$  of NW $\frac{1}{4}$ , a distance of 260 feet, more or less, to the present northwest right-of-way line of Shelby County Road No. 35 and the point of beginning of the property herein to be conveyed; thence northeasterly along said present northwest right-of-way line, a distance of 100 feet, more or less, to the north property line; thence westerly along said north property line, a distance of 70 feet, more or less, to the west line of said SW $\frac{1}{4}$  of NW $\frac{1}{4}$ , the west property line; thence southerly along said west property line, a distance of 70 feet, more or less, to the point of beginning.

Gold strip of land lying in the SW $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 18, T-20-S, R-3-W and containing 0.66 acres, more or less.

BOX 42 PAGE 122

As a part of the consideration hereinabove stated there  
be also bargained, sold, conveyed and relinquished to the  
grantee all existing, future, or potential common law or  
statutory rights of access between the right of way of the  
public way identified as Project No. I-55-2(37), County of Jeffer-  
son, and all of the grantor's remaining property consisting of  
all parcels contiguous one to another, whether acquired by separate  
conveyances or otherwise, all of which parcels either adjoin  
the property conveyed by this instrument or are connected  
thereto by other parcels owned by the grantor.

THE OWNERS OF PARCEL NO. 2 ARE AS FOLLOWS:

D. M. Busby, and Marquerite C. Busby

BOOK 42 PAGE 123

D. M. Busby

Tract No. 13-3

JULY 1, 1976

PARCEL NO. 3

SHELBY

TRACT NO. 2C, REV. 1

Shelby

and as shown on the right-of-way map of Project No. 1-65-2(37) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

Commencing at the northeast corner of the SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 7, T-27-S, R-2-W; thence southerly along the east line of said SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , the east property line, a distance of 100 feet, more or less, to a point that is 160 feet northwesterly of and at right angles to the centerline of the left lane of Project No. 1-65-2(37) and the point of beginning of the property herein to be conveyed; thence continuing southerly along said east property line (crossing the centerline of said left lane at approximate Station 167+02) a distance of 702 feet, more or less, to the present northeast right-of-way line of Shelby County Road No. 33; thence northwesterly along said present northeast right-of-way line (crossing the centerline of said left lane at approximate Station 167+57) a distance of 200 feet, more or less, to a point that is 180 feet northwesterly of and at right angles to the centerline of said left lane; thence northeasterly along a straight line, a distance of 358 feet, more or less, to a point that is 160 feet northwesterly of and at right angles to the centerline of said left lane at Station 171+00; thence northeasterly along a curve to the left (concave northwesterly) having a radius of 3659.72 feet, parallel to the centerline of said left lane, a distance of 360 feet, more or less, to the point of beginning.

Said strip of land lying in the SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 7, T-27-S, R-2-W and containing 1.27 acres, more or less.

BOX 42 PAGE 124

As a part of the consideration heretofore stated there is also bargained, sold, conveyed and relinquished to the grantees all existing, future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No. I-65-2(37), County of Shelby, and all of the grantor's remaining property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the property conveyed by this instrument or are connected thereto by other parcels owned by the grantor.

Also a temporary easement to a strip of land necessary for the drainage and filling of a pond, and being more fully described as follows: Beginning at a point that is 167 feet northwesterly of and at right angles to the centerline of the left lane of Project No. I-65-2(37) at Station 172+00; thence southwesterly along a curve to the right (concave north westerly) having a radius of 3659.72 feet, parallel to the centerline of said left lane, a distance of 99 feet, more or less, to a point that is 167 feet northwesterly of and at right angles to the centerline of said left lane at Station 171+00; thence southwesterly along a straight line, a distance of 358 feet, more or less, to a point on the present northwest right-of-way line of Shelby County Road No. 33 that is 187 feet northwesterly of and at right angles to the centerline of said left lane; thence northwesterly along a straight line, a distance of 157 feet, more or less, to a point that is 317 feet northwesterly of and at right angles to the centerline of said left lane at Station 167+23; thence northeasterly along a straight line a distance of 447 feet, more or less, to a point that is 310 feet northwesterly of and at right angles to the centerline of said left lane at Station 172+00; thence southeasterly along a straight line, a distance of 157 feet to the point of beginning.

Box 42 p. 125

Said strip of land lying in the SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 7,  
T-22-S, R-2-W and containing 1.57 acres, more or less.

It is expressly understood that all rights, title and  
interest to the above described easement shall revert to  
the grantor upon completion of said project.

THE OWNERS OF PARCEL NO. 3 ARE AS FOLLOWS:

Gladys M. Game

BOOK 42 PAGE 126

Robert C. & Gladys M. Game  
Tract No. 26, Rev. 3  
April 20, 1976

PARCEL NO. 4

Shelby

TRACT NO. 45

Shelby

and as shown on the right-of-way map of Project No. I-65-2(37) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

PARCEL NO. 1: Commencing at the southeast corner of the S2½ of NE¼, Section 31, T-19-S, R-2-W; thence northwesterly along the southwest property line, a distance of 23 feet, more or less, to a point on a line, which extends from a point that is 475 feet southeasterly of and at right angles to the centerline of Project No. I-65-2(37) at Station 327+00 to a point that is 475 feet southeasterly of and at right angles to the centerline of said project at Station 330+00 and the point of beginning of the property herein to be conveyed; thence continuing northwesterly along said southwest property line (crossing the centerline of said project at approximate Station 331+67) a distance of 625 feet, more or less, to the present southeast right-of-way line of Shelby County Road No. 17; thence northeasterly along said present southeast right-of-way line (crossing the centerline of said project at approximate Station 332+82) a distance of 567 feet, more or less, to the east line of said S2½ of NE¼, the east property line; thence southerly along said east property line, a distance of 113 feet, more or less, to a point that is 135 feet southeasterly of and at right angles to the centerline of said road; thence southwesterly along a curve to the right (concave northeasterly) having a radius of 5864.50 feet, parallel to the centerline of said road, a distance of 89 feet, more or less, to a point that is 135 feet southeasterly of and at right angles to the centerline of said road and 263 feet southeasterly of and at right angles to the centerline of Project No. I-65-2(37); thence southeasterly along a straight line, a distance of 434 feet, more or less, to a point that is 475 feet southeasterly of and at right angles to the centerline of said project at Station 330+00; thence southeasterly along a straight line (which if extended would intersect a point that is 475 feet southeasterly of and at right angles to the centerline of said project at Station 327+00) a distance of 156 feet, more or less, to the point of beginning.

Box 42 Page 127

Said strip of land lying in the SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 30, T-19-S, R-2-W and containing 3.53 acres, more or less.

The above described area includes a present 30 foot wide easement granted to the Alabama Gas Company which lies approximate 415 feet southeasterly of the centerline of said project from Station 328 to Station 339+00.

As a part of the consideration hereinabove stated there is also bargained, sold, conveyed and relinquished to the grantee all existing, future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No. I-65-2(37), County of Shelby, and all of the grantor's remaining property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the property conveyed by this instrument or are connected thereto by other parcels owned by the grantor.

**PARCEL NO. 2:** Commencing at the northwest corner of the SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 30, T-19-S, R-2-W; thence easterly along the north line of said SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , the north property line, a distance of 293 feet, more or less, to a point on a line which extends from a point that is 890 feet northwesterly of and at right angles to the centerline of Project No. I-65-2(37) at Station 337+50 to a point that is 650 feet northwesterly of and at right angles to the centerline of said project at Station 346+50) and the point of beginning of the property herein to be conveyed; thence continuing easterly along said north property line (crossing the centerline of said project at Station 341+06) a distance of 1022 feet, more or less, to the east line of the said SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , the east property line; thence southerly along said east property line, a distance of 412 feet, more or less, to the present northwest right-of-way line of Shelby County Road No. 17; thence southwesterly along said present northwest right-of-way line (crossing the centerline of said project at approximate Station 334+08) a distance of 630 feet, more or less, to the southwest property line; thence northwesterly along said southwest property line, a distance of 890 feet, more or less, to a point on a line which extends from a point that is 200 feet northwesterly of and at right angles to the centerline of Shelby County Road No. 17 at Station 41+00 to a point that is 890 feet northwesterly of and at right angles to the centerline of Project No. I-65-2(37) at Station 337+50; thence northeasterly along said line, a distance of 39 feet, more or less, to said point that is 890 feet northwesterly of and at right angles to the centerline of said project at Station 337+50; thence northeasterly along a straight line (which if extended would intersect a point that is 650 feet northwesterly of and at right angles to the centerline of said project at Station 346+50) a distance of 179 feet, more or less, to the point of beginning.

128  
42  
Box

Said strip of land lying in the SE<sup>1</sup> of NE<sup>1</sup>, Section 30,  
T-19-S, R-2-W and containing 14.12 acres, more or less.

The above described area includes a present 30 foot  
wide easement granted to the Alabama Gas Company which lies  
southeasterly of the centerline of said project and adjacent  
to the east property line from Shelby County Road No. 17 to  
the north property line.

As a part of the consideration hereinabove stated there  
is also bargained, sold, conveyed and relinquished to the  
grantee all existing, future, or potential common law or  
statutory rights of access between the right of way of the  
public way identified as Project No. I-65-2(37), County of  
Shelby, and all of the grantor's remaining property con-  
sisting of all parcels contiguous one to another, whether  
acquired by separate conveyances or otherwise, all of which  
parcels either adjoin the property conveyed by this  
instrument or are connected thereto by other parcels owned  
by the grantor.

BOOK 42 PAGE 129

THE OWNERS OF PARCEL NO. 4 ARE AS FOLLOWS:

JAMES A. JONES, and MATTIE I. JONES

James A. & Mattie I. Jones  
Tract No. 45  
August 23, 1974

PARCEL NO. 5

CEELBY

TRACT NO. 48-B, REV.

Shelby

and as shown on the right-of-way map of Project No. I-65-2(37) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

Commencing at the northwest corner of the NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 29, T-19-S, R-2-W; thence southerly along the west line of said NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , a distance of 335 feet, more or less, to the point of beginning of the property herein to be conveyed, said point of beginning being on a line, which extends from a point that is 180 feet northwesterly of and at right angles to the centerline of Shelby County Road No. 17 at Station 7+60 to a point that is 130 feet northwesterly of and at right angles to the centerline of said road at Station 81+19.96; thence northeasterly along said line (which if extended would intersect said point that is 130 feet northwesterly of and at right angles to the centerline of said road at Station 81+19.96) a distance of 610 feet, more or less, to the north line of said NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , the north property line; thence easterly along said north property line, a distance of 168 feet, more or less, to the present northwest right-of-way line of said road; thence southwesterly along said present northwest right-of-way line, a distance of 815 feet, more or less, to the west line of said NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , the west property line; thence northerly along said west property line, a distance of 117 feet, more or less, to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 29, T-19-S, R-2-W and containing 1.35 acres, more or less.

BOOK 42 PAGE 130

This conveyance is made for the purpose of a controlled access facility and adjacent service road or roads, and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights appurtenant to grantor's remaining property in and to said controlled access facility, provided however, that there is hereby reserved along a line (described as commencing at a point that is 180 feet northwesterly of and at right angles to the centerline of Shelby County Road No. 17 at Station 70+60; thence northeasterly along a straight line (which if extended would intersect a point that is 130 feet northwesterly of and at right angles to the centerline of said road at Station 81+19.96) a distance of 337 feet, more or less, to a point that is northwesterly of and at right angles to the centerline of said road at Station 73+00 and the point of beginning; thence continuing northeasterly along said line (which if extended would intersect said point that is 130 feet northwesterly of and at right angles to the centerline of said road at Station 81+19.96) a distance of 598 feet, more or less, to the north line of the NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 29, T-19-S, R-2-W, the north property line and the point of ending) the right of ingress to and egress from such remaining property to and from said service road or roads which will be accessible to the controlled access facility only at such points as may be established by public authority.

THE OWNERS OF PARCEL NO. 5 ARE AS FOLLOWS:

Edgar B. King, and Christine King

Box 42 Box 131

Edgar B. & Christine King  
Tract No. 4C-B, Rev.  
March 20, 1976

PARCEL NO. 6

SHILBY

TRACT NO. 4E-D, REV.

Shelby

and as shown on the right-of-way map of Project No. I-65-2(37) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

Commencing at the northeast corner of the NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 29, T-19-S, R-2-W; thence westerly along the north line of said NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , a distance of 367 feet, more or less, to a point that is 115 feet southeasterly of and at right angles to the centerline of Shelby County Road No. 17 and the point of beginning of the property herein to be conveyed; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 5844.58 feet, parallel to the centerline of said road, a distance of 231 feet, more or less, to a point that is 115 feet southeasterly of and at right angles to the centerline of said road at Station 81+19.96; thence southwesterly, parallel to the centerline of said road, a distance of 109.26 feet; thence southwesterly along a curve to the left (concave southeasterly) having a radius of 5614.52 feet, parallel to the centerline of said road, a distance of 449 feet, more or less, to the southwest property line; thence northwesterly along said southwest property line, a distance of 63 feet, more or less, to the present southeast right-of-way line of said road; thence northeasterly along said present southeast right-of-way line, a distance of 687 feet, more or less, to the north line of the NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 29, T-19-S, R-2-W, the north property line; thence easterly along said north property line, a distance of 135 feet, more or less, to the point of beginning.

BOOK 42 PAGE 132

Said strip of land lying in the NE<sup>1</sup>/<sub>4</sub> of NW<sup>1</sup>/<sub>4</sub>, Section 29,  
T-19-S, R-2-W and containing 1.25 acres, more or less.

THE OWNERS OF PARCEL NO. 6 ARE AS FOLLOWS:

Kay Snell

Box 42 ME 133

Mrs. Kay Walters Snell  
Tract No. 43-D. Rev.  
April 19, 1976

4. That Petitioner further shows that diligent search has been made of the records in the Office of the Judge of Probate, Shelby County, Alabama, and diligent inquiry has been made to ascertain the names, ages, and places of residence of the owners of the lands and properties herein sought to be condemned and of any other parties who claim or who hold any right, title, or interest therein, and according to the Petitioner's information, knowledge, and belief, the said lands and properties are owned, claimed, and held by the parties as are named defendants in this proceeding and as set forth in Paragraph 3 above, and by no others. That all of said parties named as defendants are each over the age of 21 years and are each under no legal disability unless and except as stated specifically in said Paragraph 3; Petitioner further alleges that the lands and properties herein sought to be condemned will be devoted, when condemned, to the public road or highway purposes, as set forth herein.

5. Petitioner further shows that the said rights of way which are sought to be condemned over each of said separate tracts of land described or designated as Parcel No. 1, [through and including Parcel No. 6], is now located and staked out on the ground and is otherwise shown and described by a map or plat or survey made thereof by the State of Alabama Highway Department now on file in the office of the Judge of Probate, of Shelby County Alabama.

6. That Petitioner further shows that it has made bona fide efforts to agree with the owners and claimants of said lands and properties described or designated as Parcel No. 1, [through and including Parcel No. 6] of Paragraph 3 above, as to the damage and compensation to be allowed and paid for said lands and properties herein sought to be condemned, and Petitioner has failed to

come to any such agreement with said owners and claimants, the defendants in this proceeding, and that Petitioner has heretofore taken all steps necessary and all proceedings required by Law to initiate this proceeding.

THE PREMISES CONSIDERED, Petitioner prays that this Court will make and enter an order appointing a day for the hearing of this Petition and will cause issuance of notice to the defendants of the day set for the hearing of said Petition, and of the filing of said Petition, all as provided by Law, and that a guardian ad litem be appointed to represent and defend the interest of any defendant hereto who may be under legal disability, as required by Law, and that, upon final hearing of this Petition, this Court will order and decree that Petitioner is entitled to acquire the lands and properties herein sought to be condemned for the public purpose as set out herein, and will appoint Commissioners to ascertain and report the damages occasioned by such taking, and the compensation to be allowed the defendants for such taking, as provided by Law, and that upon payment into the Court of the compensation assessed by said Commissioners, a judgment or decree be rendered condemning for public road or highway purposes an easement or right of way in, over, upon, or across each of said separate tracts of land described or designated as Parcel No. 1 [through and including Parcel No. 6], of Paragraph 3 above, together with other properties therein specified, to effect said public road or highway, and that this Court will make and enter in this proceeding all such other and further orders and decrees as may be necessary or proper in the premises.

STATE OF ALABAMA

BY: 

RALPH E. COLEMAN

Special Assistant Attorney General  
State of Alabama

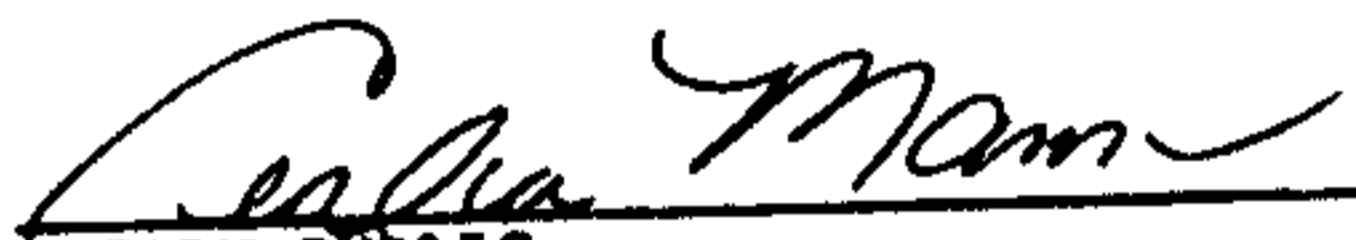
STATE OF ALABAMA  
SHELBY COUNTY

Before me, the undersigned authority in and for said County,  
in said State, personally appeared RALPH E. COLEMAN, who is known  
to me and who, being by me first duly sworn, deposes and says on  
oath that he is a Special Assistant Attorney General for the State  
of Alabama, and as such, is authorized to make this affidavit, that  
affiant has read the above Application for Orders of Condemnation  
and that affiant is informed and believes and upon such information  
and belief says that the averments contained therein are true.

  
RALPH E. COLEMAN

Sworn to and subscribed to before me, this the 21st day of

July, 1976.

  
NOTARY PUBLIC

02/04/1993-03435  
03:37 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
000 REC 34.00

BOOK 42 PAGE 136