

STATE OF ALABAMA

Plaintiff,

vs.

C. E. RUTHERFORD AND
FLORENCE RUTHERFORD

Defendants.

IN THE PROBATE COURT

OF SHELBY COUNTY

ALABAMA I certify this to be a true and
correct copy

6-25-92 Probate Judge
Shelby County

CASE NO: 19-260

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 17th day of June, 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 7th day of July, 1976, the Court made an order granting said Petition for the condemnation of the property described as follows:

- A. Tract No. 51, Parcel No. 1, Project No. I-65-2(37)
C. E. Rutherford and Florence Rutherford

That the Court appointed Robert Dow, Joe

Littlefield, and Lauren Barrett, 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 damages and compensation to which the defendants in this cause are entitled; and it appearing to the Court that notice of the appointment of the said Commissioners was issued by this Court to the Sheriff of Shelby County and by said Sheriff served on them as

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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 2 day of August, 1976, make their report in writing to this Court stating:

A. Tract No. 51, Parcel No. 1, C. E. Rutherford and Florence Rutherford

THE SUM OF: \$ 352,000⁰⁰

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 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, 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 13 DAY OF September, 1976.

Conrad M. Fowler
PROBATE JUDGE
SHELBY COUNTY, ALABAMA

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