

STATE OF ALABAMA

Plaintiff

vs.

Condemnation

E. R. ELLIOTT and RESSIE RUTH
ELLIOTT

Defendants

Case No. L-7-73

ORDER

Upon rendition of the final decree in this cause, the plaintiff moved the Court to reconsider the amount of interest and as basis therefor suggested to the Court that the calculation of interest due on the jury verdict contained a clerical error.

Counsel for the parties now agree and stipulate that the amount of interest contained in this amended decree under date of January 14, 1975, is correct.

It is therefore CONSIDERED, ORDERED, ADJUDGED and DECREED by the Court that the judgment dated November 15, 1974, is withdrawn and this amended judgment substituted therefor and is entered accordingly.

This the 14th day of January, 1975.

s/ Kenneth F. Ingram
Circuit Judge

Certified a true and complete copy.

Dan Reeves, Jr.
Register of Circuit Court

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JUDGMENT

This cause coming on to be heard before the Court and jury on October 18, 1974, with the parties and their counsel present and both announcing ready for trial on the appeal from a final order of condemnation entered in the Probate Court of Shelby County, Alabama, on September 27, 1973.

The court finds that the parties stipulated and agreed through their respective counsel as follows: That the State of Alabama is authorized by the Constitution and laws to condemn lands and property for public use; that the description contained in parcel 11 of paragraph 3 of the application for condemnation is true and correct; That the defendant, E. R. Elliott, is the sole owner of the lands described in parcel 11 of paragraph 3 of said application for condemnation at the time of trial.

The Court further finds that Plaintiff heretofore deposited with the Probate Court of Shelby county, the sum of \$35,200.00, which sum was paid over to defendants by order of the circuit court at the time the appeal was perfected with the Clerk of the Circuit Court. This payment represents part of the damages and compensation due defendants for the condemnation of their property.

WHEREUPON, the Court proceeded to have the issue of damages tried before a jury, as provided by law, and the jury found the issues for the defendant and assessed his damages in the amount of \$45,000.00.

It is therefore CONSIDERED, ORDERED, AND DECREED BY THE COURT as follows:

1. That the Plaintiff has acquired all the right, title and interest in and to defendant's property as described in parcel 11 of paragraph 3 of the application for condemnation and therefore has the right to construct and erect on, across and over the lands so acquired such public roads and highways and for the purposes described in said application, together with ^{all} the rights conferred by law to the full enjoyment of such rights and uses including the right to construct and maintain a public road as shown by the right of way map of Project No. S-376-D and F-214(20) which map is filed in the Office of the Probate Judge of Shelby County, Alabama.
2. That defendant has judgment for \$45,000.00 as damages arising from the condemnation; that \$35,200.00 of that amount has been heretofore paid to defendants; that \$9,800.00 is now due to be paid to defendant in satisfaction of said jury verdict award, plus interest at 6% which is \$525.41, for a total sum now due to be paid to defendant of \$10,325.30; that the amount of interest is stipulated to by the parties and their counsel.
3. That upon payment of the total judgment, the Plaintiff is released from any further liability arising from said condemnation.
4. That the Clerk of this Court pay over to defendant, E. R. Elliott, or his attorney of record, the sum of \$10,325.30, this being the balance due by plaintiff to defendant including interest.
5. The costs of court are taxed to plaintiff for which execution may issue.

Done and Ordered this 14th day of January, 1975.

FILED IN OFFICE: 1-14-75.

s/ Kenneth F. Ingram
KENNETH F. INGRAM, CIRCUIT JUDGE

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