

STATE OF ALABAMA
Appellant (Petitioner)

vs.

JAMES H. SUGGS, RUTH SUGGS,
and W. B. SUGGS
Appellees (Respondents)

IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA

CIVIL ACTION NO. L-76-73

ORDER AND DECREE OF CONDEMNATION

THIS CAUSE came on for trial on the 12th day of August, 1974, on appeal from the order of condemnation made and entered in the Probate Court of this County on the 27th day of September, 1973. The parties to this proceeding came into open court in their own persons and by their attorneys of record, entered an unqualified appearance, and all parties announced ready for trial. The Court is of the opinion and finds that it had jurisdiction of the cause and the parties.

THEREUPON, the Court proceeded to hear the allegations of the application or petition for order of condemnation, and upon consideration of said application and the testimony introduced in support thereof, it is the opinion and judgment of the Court that the allegations of the said petition are true, and that it is necessary that the property hereinafter described be condemned for the uses and purposes stated in said petition, and that the said application of the petitioner for order of condemnation should be granted. It is, therefore, CONSIDERED, ORDERED, ADJUDGED and DECREED by the Court, and it is the judgment of the Court, that the application or petition for the condemnation of an easement or right-of-way in, over, on and upon the hereinafter described lands, together with the right to remove all improvements, trees, undergrowth and other obstructions situated on said land, the right to prevent any persons from placing or maintaining any obstruction on said lands and also the right to enter upon said lands for the purpose of constructing, maintaining and repairing the public improvements constructed or installed or to be constructed or placed thereon or thereover, be and the same hereby is, granted and allowed, and the lands and all interest in lands sought to be acquired be, and the same hereby are, condemned for the uses and purposes set out in said petition or application for order of condemnation.

THEREUPON, a jury having been legally demanded in said cause, the Court proceeds to have assessed by a jury the damages and compensation to which the respondents are entitled for the condemnation of the parcel of property set out and described in said petition or application for condemnation, and as hereinafter described.

THEREUPON, on the 14th day of August, 1974, a jury of good and lawful men and women, to-wit, Mrs. A. E. Popwell, Sr., Foreman, and eleven others, who being duly impaneled and sworn according to law, upon their oaths do say:

We, the Jury, hereby assess and fix the damages and compensation to the owners of the property, described in the application for condemnation, filed in the Office of the Judge of Probate of Shelby County, Alabama, on the 6th day of August, 1973, at \$8,400.00 Dollars.

And now comes the petitioner by its attorney and shows unto the Court that it had heretofore deposited with the Judge of the Probate Court of Shelby County, Alabama, the sum of Six Thousand Four Hundred Forty Eight Dollars (\$6,448.00), as damages and compensation for the lands and interest in lands hereinafter described, which said sum has been transferred and delivered by the Judge of the Probate Court of Shelby County, Alabama, to the Clerk of this Court, who now has possession of said funds.

Certified a true and complete copy

Lan Ruenes, Jr.
Register of Circuit Court

Inst. # 1993-04119

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SHELBY COUNTY JUDGE OF PROBATE
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It is hereby, ORDERED, ADJUDGED and DECREED by the Court that the petitioner pay the additional sum of One Thousand Nine Hundred Fifty Two and 00/100 (\$1,952.00) Dollars, as damages and compensation to the respondents for the land taken and condemned in this cause, and the sum of Two Hundred Sixty Nine and 50/100 (\$269.50) Dollars stipulated by the parties as interest, and further, that the costs of this proceeding be, and the same hereby are, taxed against the petitioner. It is further ORDERED, ADJUDGED and DECREED by the Court that the respondents are entitled to have and receive of the Clerk the sum of Five Thousand One Hundred Sixty Nine and 50/100 (\$5,169.50) Dollars; \$4900.00 balance due on the Judgment, plus interest of \$269.50; the respondents having received Thirty Five Hundred Dollars (\$3500.00) from the Clerk.

Upon payment of the award and costs in this proceeding by the petitioner in this cause, the hereinafter described lands and interest in lands are hereby oncdemned and awarded to the petitioner.

It is further ORDERED, ADJUDGED and DECREED by the Court that the petitioner, State of Alabama, be, and it hereby is, given and awarded a right-of-way and easement in, over, on and upon the hereinafter described lands, together with the right to remove all improvements, trees, undergrowth and other obstructions situated on said lands, and the right to prevent any persons from placing or maintaining any obstructions on or upon said lands, and also the right to enter upon said land for the purpose of constructing, maintaining, and repairing the public road, street, avenue or highway for which said lands is sought to be and hereby condemned, and for the uses and purposes sought in the petition or application.

It is further ORDERED, ADJUDGED and DECREED that title to the property hereinafter described be, and the same hereby is, divested out of the respondents and hereby is vested in the petitioner, State of Alabama, said property being particularly described as follows:

Commencing at the southeast corner of the NW 1/4 of SW 1/4 Section 29, T-19-S, R-1-E; thence northerly along the east line of said NW 1/4 of SW 1/4, a distance of 613 feet, more or less, to a point that is 150 feet southerly of and at right angles to the centerline of Project No. F-214(20) and the point of beginning of the property herein to be conveyed; thence westerly along a curve to the right (concave northerly) having a radius of 11,609.16 feet, parallel to the centerline of said project, a distance of 718 feet, more or less, to the west property line; thence northerly along said west property line (crossing the centerline of said project at approximate Station 709+15) a distance of 301 feet, more or less, to a point that is 150 feet northerly of and at right angles to the centerline of said project; thence easterly along a curve to the left (concave northerly) having a radius of 11,309.16 feet, parallel to the centerline of said project, a distance of 729 feet, more or less, to the east line of said NW1/4 of SW 1/4, the east property line; thence southerly along said east property line (crossing the centerline of said project at approximate Station (716+39) a distance of 301 feet, more or less, to the point of beginning.

Done this 14th day of August, 1974.

s/ James H. Sharbutt
Circuit Judge

Filed in Office this the 30th day
of September, 1974.
Kyle Lansford
Clerk of Circuit Court
Shelby County, Alabama.

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