

Inst # 1993-04138

STATE OF ALABAMA )  
 Plaintiff/Appellant, )  
 vs. )  
 E. A. NEWMAN & UNITED STATES OF )  
 AMERICAN (FARMER HOME ADMINISTRA- )  
 TION) )  
 Defendants/Appellee, )

02/11/1993-04138  
 CIVIL CASE NO. CV-83-035  
 03:12 PM CERTIFIED  
 CONDEMNATION SHELBY COUNTY JUDGE OF PROBATE  
 001 MCD 6.50

On this the 4th day of April, 1983, Order on Pre-trial hearing filed. Case set for trial August 1, 1983.  
 s/ R. Armstrong

On this the 24th day of August, 1983, Order of Condemnation as shown by separate paper this day filed.  
 s/ R. Armstrong, Judge

THIS CAUSE being set for trial came on for hearing on the 6th day of August, 1983, and came into Court the Applicant, State of Alabama, by its Attorney, W. Howard Donovan, III, and also came the Respondent, E. A. Newman, and his attorney of record, and all other Respondents having failed to answer, plead or demur to said application for Condemnation heretofore filed in this cause, after having been duly cited of the filing of the same; the Court is of the opinion and finds that it has jurisdiction of the cause and the parties.

THEREUPON the Court proceeded to hear the allegations of the Application for Order of Condemnation as filed in said cause, and upon consideration of said Application and the stipulation of the parties made in open court and the evidence in support thereof, it is ORDERED, ADJUDGED and DECREED, and it is the judgment of the Court that said Application for the Condemnation of the fee simple ownership of the lands described in Exhibit A for public road purposes and the same is hereby granted, and awarded in fee simple title to, in, over, on and upon said lands; and said lands and all interest therein sought to be acquired be and the same are hereby condemned for the uses and purposes stated and sought in the said Application for Order of Condemnation filed herein.

THEREUPON, a jury having been demanded to assess the damages and compensation to which the owner of said land is entitled, the Court proceeded to have a jury assess the damages and compensation to which the owner of said land is entitled for the condemnation of said lands, and on the 6th day of August, 1983, came a jury of twelve good and lawful men, to-wit Roger E. Hand, Foreman, and eleven others, who being duly impaneled and sworn according to law, upon their oath, do say:

"We the jury find the difference between value of entire tracts of land immediately before taking and value of part remaining after taking as of October 15, 1983, is \$3,500; and therefore award damages to Defendant in that amount without interest.  
 Robert E. Hand, Foreman

And now comes the Applicant, State of Alabama, by its Attorney and shows unto the Court that it has heretofore in the said case, deposited with the Judge of Probate of Shelby County, Alabama, the total sum of Three Thousand Two Hundred and No/100 Dollars (\$3,200.00) for damages and compensation for the condemnation of said lands, which said sum has been by said Judge of Probate paid to the Clerk of this Court.

And it being further shown into the Court that by agreement between the parties hereto, and by order of this Court heretofore entered in this cause, the said \$3,200.00 was invested by the Clerk of this Court in an interest bearing account.

It being further shown to the Court that the Respondents are due to receive interest in the amount of the jury award from the date of taking, to-wit: October 15, 1982 through August 6, 1983 at the rate of 6% per annum, which amounts to \$168.43, making the total award to the Respondents \$3,668.43.

NOW, THEREFORE, it is ORDERED, ADJUDGED and DECREED by the Court, and it is the judgment of the Court that the said Respondents, E. A. Newman, the United States of America, and the Tax Collector of Shelby County, Alabama are entitled to have and receive of the Clerk of this Court and the State of Alabama, the sum of \$3,668.43.

NOW, THEREFORE, on Motion of the Applicant, State of Alabama, it is ORDERED, ADJUDGED and DECREED, and it is the judgment of the Court that the lands sought by the Applicant, State of Alabama, to be condemned in fee simple, to-wit:

[See Attached Exhibit "A"]

for the public road purposes and use be and the same is hereby condemned, granted and awarded Applicant upon payment of said award and costs to the Clerk of this Court, and said land and all interest therein sought to be acquired herein be and the same is hereby condemned, granted and awarded in fee simple to the Applicant, State of Alabama as conditioned hereinabove, together with the right and authority to clear and remove from said lands any and all improvements situated thereon, and the right and authority to exercise complete use and control of said lands.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED and it is the judgment of the Court that the cost of Court in this cause incurred be and the same is hereby taxed against the Applicant, State of Alabama, for which let execution issue.

Done and Ordered this the 24 day of August, 1983.

s/ Robert R. Armstrong, Jr.  
 CIRCUIT JUDGE

Certified a true and complete copy

*Dan Reenes, ob*  
 Register of Circuit Court