

SHELBY ENTERPRISES, INC.,
BOB FLEMING REALTY COMPANY,
INC.
Defendants

On this the 6th day of January, 1976, Motion to Dismiss is denied. Defendant allowed 30 days to file answer.

s/ James H. Sharbutt, Judge

On this the 3rd day of February, 1976, Transferred to inactive docket at Plaintiff's request.

s/ K. Ingram

On this the 1st day of December, 1976, Transferred to Active docket at Defendant's request. Case dismissed and cost taxed to Defendant.

s/ James H. Sharbutt, Judge

STATE OF ALABAMA

Plaintiff

vs.

RUSCOE L. PARKER; DEWITT HILL,
JR.; MARIE W. HILL

Defendants

CONDEMNATION

CASE NO. L-943-76

Inst # 1993-04650

CONSENT JUDGMENT OF CONDEMNATION

This cause, coming on to be heard on this day for an order of condemnation pursuant to the petition for condemnation heretofore filed in said cause, and it appearing to the Court that the parties are in agreement as to the amount of damages due the defendants, and the parties mutually agree that the Plaintiff, The State of Alabama, may withdraw its jury demand heretofore requested, the parties mutually agree as follows:

1. That the State of Alabama is authorized to institute and prosecute this proceeding to acquire from the defendants the property and interest therein, hereinafter described and designated as Tract No. 34, according to Project No. F-214 (19), of the State of Alabama Highway Department, Shelby County, Alabama, for the public purposes stated in the petition:

Tract No. 34 of Project No. F-214 (19), as shown on the right-of-way map of said project, and as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

Commencing at the southwest corner of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 17, Township 19 South, Range 1 West; thence easterly along the south line of said NE $\frac{1}{4}$ of SW $\frac{1}{4}$, a distance of 900 feet, more or less, to a point that is 190 feet southwesterly of and at right angles to the centerline of Project No. F-214 (19) and the point of beginning of the property here to be conveyed; thence northwesterly along a curve to the right (concave northeasterly) having a radius of 3464.04 feet, parallel to the centerline of said project, a distance of 355 feet, more or less, to the present southeast right-of-way line of a county road; thence northeasterly along said present southeast right-of-way line (crossing the centerline of said project at approximate Station 350+70) distance of 350 feet, more or less, to the present northwest right-of-way line of U. S. Highway No. 280; thence southwesterly along said present northwest right-of-way line, a distance of

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JUDGE OF PROBATE

Certified a true and complete copy
Dan Reeves, ab
Register of Circuit Court

490 feet, more or less, the south line of said NE $\frac{1}{4}$ of SW $\frac{1}{4}$, the south property line; thence westerly along said south property line (crossing the centerline of said project at approximate station 355+02) a distance of 236 feet, more or less, to the point of beginning.

2. The parties mutually agree that the issue of damages and compensation due the defendants is Thirty-seven Thousand Eight Hundred Twenty-seven and no/100 Dollars (\$37,827.00), in addition to awarding the defendants, Marie W. Hill and Dewitt Hill, Jr. all improvements and fixtures located on the above described property, for the interest in that portion of the property acquired by the State of Alabama from the defendant. The parties further agree that defendant shall post with the State of Alabama, a \$1,000.00 clean-up deposit, said deposit to be returned to the defendant upon their removing the structures located on the above described property.

3. The parties mutually agree that the State of Alabama has heretofore paid into Court, the sum of Forty-seven Thousand and no/100 Dollars (\$47,000.00).

WHEREFORE, Upon payment to the defendants, Marie W. Hill and Dewitt Hill, Jr. of the sum of Thirty-seven Thousand Eight Hundred Twenty-seven and no/100 Dollars (\$37,827.00), by the Clerk of this Court, the State of Alabama is hereby given and awarded the fee simple title to the property heretofore described.

It is further ORDERED, ADJUDGED and DECREED that title to the property heretofore described to be and the same hereby is divested out of the defendants Marie W. Hill and Dewitt Hill, Jr. and hereby is vested in the Petitioner, State of Alabama.

It is further ORDERED, ADJUDGED and DECREED that the Clerk of this Court is hereby ordered to pay to the defendants the sum of Thirty-seven Thousand Eight Hundred Twenty-seven and no/100 Dollars (\$37,827.00)

The Clerk of this Court is hereby ordered to withhold the costs of this proceeding from the funds heretofore deposited by the State of Alabama with this Court. The costs of this proceeding being hereby taxed against the State of Alabama.

The Clerk of this Court is further ordered to refund whatever amount is due after payment of costs to the State of Alabama.

ORDERED, ADJUDGED and DECREED, By the Court, this the 29th day of November, 1976.

Approved

s/ James H. Sharbutt
Circuit Judge

s/ H. L. Conwill
Attorney for Property owner

s/ Ralph E. Coleman
State of Ala.
By special assistant attorney general

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