

STATE OF ALABAMA

Plaintiff

vs.

CONDEMNATION

CASE NO. L-651-

DORVILLE B. BUFF, and KATHLEEN  
R. BUFF, et al

Defendants

FINAL JUDGMENT OF CONDEMNATION

This cause coming on trial on this 2nd day of August, 1976, on appeal from the Order of Condemnation made and entered in Probate Court of this County on the 31st day of October, 1975. 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 has jurisdiction of the cause and the parties.

THEREUPON, the State of Alabama and all of the Defendants, in open Court, withdrew their demand for a trial by jury in this cause.

THEREUPON, the Court having 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 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 Plaintiff 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 the following described parcel of property, for public road or highway purposes, with the right to remove all improvements, trees, undergrowth and other obstructions situated on said lands, the right to prevent any person from placing or maintaining any obstruction on said lands, and also the right to enter upon said lands for the purpose of construction, maintaining and repairing the public improvements constructed or installed thereon, thereover, or thereunder, together with all the existing future and potential easements of access between the right of way of the public way described in said petition and all the real property of the Defendants remaining after the appropriation of said property described in the petition to the extent shown on current survey and right of way map of said property prepared by the State of Alabama, be and the same is hereby granted and allowed, and the lands and all interest in lands sought to be acquired and the same hereby are condemned for the uses and purposes set out in said petition or application for Order of Condemnation.

WHEREAS, the Plaintiff, by its Attorney, showed unto the Court that it heretofore deposited with the Judge of Probate of Shelby County, Alabama, the sum of Four Thousand five hundred and no/100 dollars (\$4,500.00) as damages and compensation for the condemnation of the lands and interest in the lands described which said sum was transferred and delivered to the Clerk of this Court, who disbursed funds to the Defendants, Dorville B. Buff and Kathleen R. Buff, and,

WHEREAS, all of the parties, in open Court, did consent and agree that the fair market value of the property described in this application for order of condemnation in this cause is the sum of Six Thousand and no/100 dollars (\$6,000.00), and

WHEREAS, the Court finds that the fair market value of the property and the rights being taken is the sum of Six Thousand and no/100 dollars (\$6,000.00), and

WHEREAS, the Court finds that the sum of Four Thousand five hundred and no/100 dollars (\$4,500.00) was previously paid to the Defendants, Dorville B. Buff and Kathleen R. Buff, by the Clerk of the Court for said lands taken and condemned in this cause, and

Certified a true and complete copy

*Dan Reeves* ob  
Register of Circuit Court

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SHELBY COUNTY JUDGE OF PROBATE

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WHEREAS, the Court finds that the difference between the agreed fair market value, as herein set out, and the amount previously withdrawn by the Defendants, as herein set out, is the sum of One thousand five hundred and no/100 dollars (\$1,500.00), and

WHEREAS, the Court finds that the Defendants are entitled to interest in the sum of Sixty-eight and 30/100 dollars (\$68.30) and

WHEREAS, the Court finds that the total amount remaining to be paid to the Defendant is the sum of One thousand five hundred sixty-eight and 30/100 dollars (\$1,568.30).

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiff pay to the Clerk of this Court the sum of One Thousand five hundred sixty-eight and 30/100 (\$1,568.30) and all costs of Court which are hereby taxed to Plaintiff.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Clerk of this Court is hereby authorized and directed to pay to the Defendants, Dorville B. Buff and wife, Kathleen R. Buff, the sum of One thousand five hundred sixty-eight and 30/100 dollars (\$1,568.30) which is the amount of award in this cause, plus interest, less the amount previously withdrawn by the Defendants.

Upon payment of the award and costs in this proceeding by the Plaintiff in this cause, the following described lands and interests are hereby condemned and awarded to the Plaintiff.

IT IS FURTHER ORDERED AND ADJUDGED by the Court that the Plaintiff or Petitioner, State of Alabama, be and is hereby given and awarded 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 lands for the purpose of construction, maintaining or repairing the public road, or highway for which said land is sought in the petition or application, together with all existing, future and potential easements of access between the said property hereinafter described and all of the real property of the Defendants remaining after appropriation of said property of the Defendants remaining after appropriation of said property to the extent that said easements of access are shown to be condemned on the current right of way of the State of Alabama.

IT IS FURTHER ORDERED AND DECREED that title to the property hereinafter described be and the same hereby is divested out of the Defendants and hereby is vested in the Petitioner, State of Alabama, said property being particularly described as follows:

a tract of land designated as Tract No. 6-REV. No. 2 as shown the Alabama State Highway Department right of way map of Project I-65-2 (37) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

Commencing at the northeast corner of Section 24, T-20-S, R-3-W; thence westerly along the north line of said Section 24, a distance of 136 feet, more or less, to the present southeast right-of-way line of Shelby County Road No. 35; thence southwesterly along said present southeast right-of-way line, a distance of 805 feet, more or less, to the north property line; thence easterly along said north property line, a distance of 120 feet, more or less, to a point that is 80 feet southwesterly of and at right angles to the centerline of a service road on Project No. I-65-2(37) and the point of beginning of the property herein to be conveyed; thence continuing easterly along said north property line (crossing the centerline of said service road at approximate Station 25+30) a distance of 121 feet, more or less, to the southeast property line; thence southwesterly along said southeast property line (crossing the centerline of said service road at approximate Station 24+99) a distance of 121 feet, more or less, to a point that is 80 feet southwesterly of and at right angles to the centerline of said service road; thence northwesterly, parallel to the centerline of said service road a distance of 118 feet, more or less, to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 24, T-20-S, R-3-W, and containing 0.15 acres, more or less.

Done and ordered this 17th day of September, 1976.

s/ James H. Sharbutt  
CIRCUIT JUDGE

Filed in Office this the 17th day  
of September, 1976.  
Kyle Lansford  
Clerk of Circuit Court  
Shelby County, Alabama

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