

STATE OF ALABAMA
Plaintiff
vs.
R. G. WEAVER (Mrs.)
Defendant

IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
CIVIL ACTION
CASE NO. L-214-74

JUDGMENT

This cause coming on to be heard before the Court and jury on August 4, 1975, with the parties and their counsel present and both announcing ready for trial on the appeal from final order of condemnation entered in the Probate Court of Shelby County, Alabama, on April 3, 1974.

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 continued in Tract 11 Parcel 4, as amended, of Exhibit "D" of Paragraph 3, of the application for condemnation is true and correct; That the defendant, Mrs. R. G. Weaver, is the sole owner of the lands described in said application as amended for condemnation at the time of the trial.

The Court further finds that the commissioners awarded the sum of \$53,500.00 as damages and compensation due to the defendant, Mrs. R. G. Weaver, for the condemnation of her property as first described.

The Court further finds that the Plaintiff further deposited with the Probate Court of Shelby County, Alabama, the sum of \$53,500.00, which sum was transferred to the Clerk of the Circuit Court of Shelby County, Alabama, after an appeal was perfected in connection with said plaintiff's condemnation proceedings.

The Court further finds that the State of Alabama amended its petition by changing the description of the property which it desired to condemn by deleting a portion of the property from the condemnation; WHEREBY, the defendant, Mrs. R. G. Weaver, shall retain ownership of the house and certain of her property which had heretofore been condemned.

WHEREUPON, the Court proceeded to have the issue of damages tried covering the property, as amended, before a jury as provided by law and the jury found the issued for the defendant and assessed her damages and compensation in the amount of \$35,250.00.

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

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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 Tract 11 Parcel 4, as amended, of Exhibit "D" 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 to way map of Project No. F-412(9) which map is filed in the Office of the Probate Judge of Shelby County, Alabama.

2. That \$53,500.00 has heretofore been paid to the Circuit Court of Shelby County, Alabama; that \$35,250.00 of said amount is now due to be paid to defendant in satisfaction of said jury award, plus interest at 6% from April 3, 1974 to August 6, 1975, the date of the jury verdict, which amount is \$2,839.31; that the amount of interest was stipulated to be determined by the Court and the Court does hereby find that the interest in this cause is payable at the rate of 6% per annum from date, said date being determined by the final order of condemnation on April 3, 1974; that the total sum now due to be paid to defendant is \$38,089.31 and the Clerk is hereby authorized to pay said amount to the defendant and to rebate to the State of Alabama the balance of \$15,410.69 less Court Cost of \$25.75.

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, Mrs. R. G. Weaver, or her attorney of record, the sum of \$38,089.31, this being the amount due by plaintiff to Defendant including interest and to pay over to the State of Alabama \$15,410.69 less Court Cost of \$25.75, covering the balance on and in connection with this cause of action.

5. The costs of court are taxed to plaintiff for which execution may issue.

Done and ordered this 28th day of August, 1975.

s/ James H. Sharbutt
CIRCUIT JUDGE.

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