

STATE OF ALABAMA

VS.

E. R. ELLIOTT, et al

Condemnation

Case No. L-83-73

JUDGMENT

On the 15th day of May, 1975, came into open court the applicant, State of Alabama, by and through its attorney, Ralph E. Coleman, and also came the defendant, E. R. Elliott, by and through his attorneys, Karl C. Harrison and Hewitt L. Conwill, on an appeal by the aforesaid defendant from the Final Order of Condemnation entered in the Probate Court of Shelby County, Alabama, on, to-wit, the 27th day of September, 1973;

WHEREUPON, said State of Alabama, by and through its said attorney, and the said defendant, by and through his attorneys, stipulated and agreed in open court as follows; That State of Alabama is authorized by the constitution and laws of the State of Alabama to condemn lands and properties for public roads and highway purposes; that the description contained in Parcel 19 of Paragraph 3 of the application for condemnation is true and correct; that the defendant, E. R. Elliott is the owner of the lands described in said Parcel 19 of Paragraph 3 of the application.

Thereupon, the Court proceeded to hear the remaining allegations of the application in so far as the same applies to the lands described in Parcel 19, Paragraph 3 and to the defendant named as owner thereof and all evidence offered by the parties touching the same; and the Court being of the opinion that the remaining allegations of such application has been proven by legal evidence;

It is, therefore, ORDERED, ADJUDGED AND DECREED by the Court that the application for condemnation in so far as the same relates to the lands described in Parcel 19 of Paragraph 3 thereof and to the defendant, E. R. Elliott, the owner thereof, be and the same is hereby granted.

Thereupon, the Court proceeded to have assessed by a jury the damages and compensation to which the said defendant is entitled for the rights, ways and rights-of-ways which the applicant proposes to take and condemn for the uses and purposes set forth in said application for condemnation with reference to the said lands of the said defendant, E. R. Elliott;

Thereupon, on the 16th day of May, 1975, came a jury, to-wit, J. W. Gunter, Foreman and 11 others, who, having been duly sworn and impaneled on the 15th day of May, 1975, according to law, upon their oath did say:

"We the jury assess the damages in favor of the defendant in the sum of \$10,100.00."

s/ J. W. Gunter,
Foreman

Certified a true and complete copy

Dan Reeves, Jr.
Register of Circuit Court

02/17/1993-04656
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SHELBY COUNTY JUDGE OF PROBATE

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And it appearing to the Court that the applicant has heretofore deposited with the Probate Judge of Shelby County, Alabama, the sum of \$3,354.00 in money pursuant to the decree of the Probate Court of Shelby County rendered on the 27th day of September, 1973, as damages and compensation for the condemnation of the lands and rights and easements described in said application with reference to the lands of the defendant described in Parcel 19 of paragraph 3 of said application.

It is, therefore, ORDERED, ADJUDGED AND DECREED BY THE COURT that the applicant pay into the Court the additional sum of \$6,746.00 plus interest in the amount of \$659.81 as stipulated by the parties and that upon the payment of such sums, plus costs by the applicant, the State of Alabama, be and it is hereby released from any further liability arising from said condemnation.

It is further ORDERED, ADJUDGED AND DECREED BY THE COURT THAT E. R. Elliott is entitled to and has had his damages and compensation assessed at the sum of \$10,100.00 for the condemnation of the rights, ways and rights-of-way described in the application for condemnation herein with reference to the lands described in Parcel 19, Paragraph 3 of said application.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the said rights, ways and rights-of-way which the applicant proposes to take and condemn as described in said application and in Parcel 19 of Paragraph 3 thereof, are condemned, granted and awarded to the applicant, State of Alabama, with the rights and for the uses and purposes set forth in said application, and that all rights, ways and rights-of-way prayed for in said application which are now condemned, granted and awarded to the applicant, State of Alabama, in and by this decree, by and the same are hereby divested out of the defendant, E. R. Elliott, being the owner of the lands described in Parcel 19 of Paragraph 3 of said application, and vested in the applicant, State of Alabama.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the applicant, State of Alabama, be and it is hereby granted the right to construct and erect on, across and over the land described in Parcel 19 of Paragraph 3 of said application, such public roads and highways for the purposes described in said application, together with all the rights conferred by law and all the rights that are necessary, useful or convenient to the full enjoyment of said rights, ways and rights-of-way for such uses and purposes, including the acquisition of and the right and authority to construct and maintain a public road as shown by the right-of-way map of Project No. S-376-D and F-214 (20) which map is filed in the office of the Probate Judge of Shelby County, Alabama.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the Clerk of this Court pay over to the defendant, or his attorneys of record, the sum of \$7,405.81, which sum is to be paid into the Court by the applicant, the remainder of said award, being \$3,354.00 has heretofore been paid into the Court by the applicant, and has, by the Clerk of the Court, by order of the Court on the 5th day of December, 1973, to E. R. Elliott and Ressie Elliott, said Ressie Elliott now being deceased, and E. R. Elliott is the full owner of the land now, as shown by instruments on file in this cause.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the applicant, State of Alabama, pay all costs herein, for which let execution issue.

Done in open court, this 6th day of June, 1975. Inst. # 1993-04656

02/17/1993 s/ Kenneth F. Ingram
Judge of the Circuit Court of Shelby County, Ala.
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SHELBY COUNTY JUDGE OF PROBATE

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Filed in Office this the 6th day
of June, 1975.
Kyle Lansford
Clerk of Circuit Court
Shelby County, Alabama