

STATE OF ALABAMA,
PLAINTIFF
VS
MARION RUTHERFORD,
DEFENDANT

IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
CIVIL ACTION NO. L-957-76

FINAL JUDGMENT OF CONDEMNATION

This cause came on for trial on the 11th day of May, 1977, on appeal from the Order of Condemnation made and entered in the Probate Court of Shelby County, Alabama, on the 25th day of October, 1976. The parties to this proceeding came into open Court and by their attorneys of record, entered unqualified appearances, and all parties announced ready for trial. The Court is of the opinion and finds that it has jurisdiction of this cause and of the parties.

THEREUPON, the Court proceeded to hear the allegations of the Petition or Application For Order of Condemnation heretofore filed by the State of Alabama, and, upon consideration of said petition and the testimony introduced in support thereof, is of the opinion and judgment 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 petition of the petitioner for order of condemnation should be granted.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED by the Court that the petition or application for the condemnation of an easement or right of way in, over, on, and upon the hereinafter described lands, together with the right to remove all improvements, trees, undergrowth, and other obstructions situated on said lands, the right to prevent any persons from placing or maintaining any obstruction on said lands, and also the right to enter upon said lands for the purpose of constructing, maintaining, and repairing the same, public improvements, planned, constructed, or installed therefor, thereon, or thereover, be, and the same hereby is, granted and allowed, and all interests in lands sought to be acquired in said petition be, and the same are hereby condemned for the uses and purposes set out in said petition or application for other condemnation.

And now come the Plaintiff and the Defendant, and with leave of the Court granted, withdraw their respective demands for trial by jury in this cause.

And now comes the Petitioner or Plaintiff by its attorney and shows unto the Court that it has heretofore deposited with the Judge of Probate of Shelby County, Alabama, the sum of Fifty Five Thousand and No/100 (\$55,000.00) Dollars, as damages and compensation for the condemnation of the lands and interests in lands hereinafter described, which said sum has been transferred and delivered by the Judge of Probate of Shelby County, Alabama, to the Clerk of this Court who has heretofore and pursuant to order of this Court entered in this cause on the 31st day of January, 1977, paid therefrom to the Defendant the sum of Thirty Seven Thousand Seven Hundred Fifty Five and No/100 (\$37,725.00) Dollars, and that said Clerk presently holds the remaining sum of Seventeen Thousand Two Hundred Seventy Five and No/100 (\$17,275.00) Dollars on deposit in this cause.

And now comes the Plaintiff, State of Alabama, through its attorney and the Defendant in his own person and through his attorney, and all consent and agree that the fair market value of the property described in the petition or application for order of condemnation in this cause in the sum of Fifty Four Thousand Four Hundred and No/100 (\$54,400.00) Dollars, and that the difference between said fair market value and the amount previously withdrawn by the Defendant is the sum of Sixteen Thousand Six Hundred and Seventy Five and No/100 (\$16,675.00) Dollars, and further, that the Defendant is entitled to interest thereon in this cause in the amount of Five Hundred Forty Two and 75/100 (\$542.74) Dollars.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED, AND DECREED by the Court, and the Court finds as fact, that the fair market value of the property and rights being taken in this cause in the sum of Fifty Four Thousand Four Hundred and No/100 (\$54,400.00) Dollars, as agreed upon by the parties, and that the total amount remaining to be paid to the Defendant in this cause is said sum plus said interest, or the sum of Fifty Four Thousand Nine Hundred Forty Two and 74/100 (\$54,942.74) Dollars, less said amount of Thirty Seven Thousand Seven Hundred Thirty Five and No/100 (\$37,725.00) Dollars previously withdrawn, or the sum of Seventeen Thousand Two Hundred seventeen and 74/100 (\$17,217.74) Dollars.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Defendant is now entitled to have and receive of the Clerk said sum of Seventeen Thousand Two Hundred Seventeen and 75/100 (\$17,217.74) Dollars, as damages and compensation in this cause, and that said Petitioner is entitled to a refund from said Seventeen Thousand Two Hundred Seventy Five and No/100 (\$17,275.00) Dollars which the Clerk of this Court now holds in this cause, plus any interest on said amount which may have accumulated while in the hands of the Clerk, less said sum of Seventeen Thousand Two Hundred Seventeen and 75/100 (\$17,217.74) Dollars which the Defendant is

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entitled, and less costs of Court in this cause accrued, the Clerk of this Court being now authorized and directed to deduct said court costs therefrom and pay the remaining balance to the State of Alabama. Upon payment of the award and costs in this proceeding by the Petitioner in this cause, the hereinafter described lands and interests in lands are hereby condemned and awarded to the Petitioner.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that the Petitioner, State of Alabama, be and hereby is given and awarded the hereinafter described lands, together with the rights to remove all improvements trees, undergrowth, and other obstructions situated on said land, the right to prevent any persons from placing or maintaining any obstruction on said lands, and also the right to enter upon said lands for the purpose of constructing, maintaining, and repairing the public improvements planned, or constructed or installed therefor, thereon, or thereover, to the extent that said easements are shown to be condemned on the current right of way map of the State of Alabama.

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

A tract of land designated as Tract No. 51-B, said property description being attached hereto as Exhibit "A" and by reference hereto being made a part hereof.

DONE AND ORDERED THIS 11th day of May, 1977.

s/James H. Sharbutt
Circuit Judge

Exhibit "A"

PARCEL NO. 6

SHELBY

TRACT NO. 51-B

SHELBY

AND AS SHOWN ON THE RIGHT-OF-WAY MAP OF Project No. I-65-2(37) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

Commencing at the southeast corner of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 20, T-19-S, R-2-W; thence westerly along the south line of said SE $\frac{1}{4}$ of SW $\frac{1}{4}$, the south property line, a distance of 320 feet, more or less to a point that is 135 feet southeasterly of and at right angles to the centerline of Shelby County Road No. 17 and the point of beginning of the property herein to be conveyed; thence continuing westerly along said south property line, a distance of 170 feet, more or less, to the present southeast right-of-way line of said road; thence northeasterly along said present southeast right-of-way line, a distance of 386 feet, more or less, to the northeast property line; a distance of 100 feet, more or less, to a point that is 135 feet southeasterly of and at right angles to the centerline of said; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 5864.58 feet, parallel to the centerline of said road, a distance of 238 feet, more or less, to the point of beginning. Said Strip of land lying in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 20, T-19-S, R-2-W and containing 0.07 acres, more or less.

THE OWNERS OF PARCEL NO. 6 ARE AS FOLLOWS:

Marion Rutherford

Marion Rutherford
Tract No. 51-B
Shelby County