

STATE OF ALABAMA

Plaintiff

vs.

DELORES WHISENANT

Defendant

CONDEMNATION

CASE NO. L-1014-76

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 defendant, the parties mutually agree as follows:

A. That the State of Alabama is authorized to institute and prosecute this proceeding to acquire from the defendant the property and interests therein, hereinafter described and designated as Tract No. 49, according to Project No. I-65-2(37), of the State of Alabama Highway Department, Shelby County, Alabama, for the public purposes stated in the Petition:

THE PROPERTY DESCRIPTION BEING ATTACHED HERETO AND MARKED EXHIBIT "A"

B. The parties mutually agree that the issue of damages and compensation due the defendant is Forty Two Thousand Five Hundred and 00/100 (\$42,500.00) Dollars, plus interest in the amount of Two Hundred Fourteen and 27/100 (\$214.27) Dollars, for the interests in that portion of the property taken by the State of Alabama from the defendant.

C. The parties mutually agree that the State of Alabama has heretofore paid into Court the sum of Forty Seven Thousand Five Hundred and 00/100 (\$47,500.00) Dollars.

WHEREFORE, Upon payment to the defendant of the sum of Ten Thousand Eighty Nine and 27/100 (\$10,089.27) Dollars, being the compensation due the defendant in the amount of Forty Two Thousand Five Hundred and 00/100 (\$42,500.00) Dollars, plus interest in the amount of Two Hundred Fourteen and 27/100 (\$214.27) Dollars, totalling Forty Two Thousand Seven Hundred Fourteen and 27/100 (\$42,714.27) Dollars, less Thirty Two Thousand Six Hundred Twenty Five and 00/100 (\$32,625.00) Dollars previously released to the defendant by the Clerk of the Court; The State of Alabama hereby is given and awarded the fee simple title to the property heretofore described, together with all existing, future and potential easements of access between the said right of way of the public way heretofore described and all the real property of the defendant remaining after appropriation of said easement and right of way herein described.

It is further ORDERED, ADJUDGED AND DECREED That title to the property and access rights heretofore described be and the same are hereby divested out of the defendant and hereby vested in the petitioner, The State of Alabama.

The costs of this proceeding is hereby taxed against the State of Alabama, and the Clerk of this Court is ordered to withhold the costs of this proceedings from the funds heretofore deposited by the State of Alabama into this Court.

The defendants herein are ordered to pay to Fay Quick, Tax Collector, any sums found due for taxes on the property herein described. The Clerk of this Court is further ordered to refund whatever amount is due after payment of costs of the State of Alabama, if any.

ORDERED, ADJUDGED, AND DECREED BY THE COURT THIS THE 20th DAY OF APRIL, 1977.

s/ James H. Sharbutt
JUDGE, CIRCUIT COURT

APPROVED:

STATE OF ALABAMA

DEFENDANT

BY: s/ Ralph E. Coleman

RALPH E. COLEMAN

Special Assistant Attorney General
State of Alabama

BY: s/ Frank Ellis, Jr.

FRANK ELLIS, JR.

Attorney for Defendant

Certified a true and complete copy

Dan Reeves
993-04663
Register of Circuit Court

02/17/1993-04663
03:31 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 MCD 9.00

Inst # 1993-04663

077

02/17/1993-04663
09:31 PM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE
EXHIBIT "A" 002 MCD 9.00

PARCEL NO. 2

SHELBY

TRACT NO. 49, REV.

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 northwest corner of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 30, T-19-S, R-2-W; thence easterly along the north line of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$, a distance of 1296 feet, more or less, to a point that is 240 feet northwesterly of and at right angles to the centerline of Project No. I-65-2(37) and the point of beginning of the property herein to the conveyed; thence continuing easterly along the north line of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$, the north property line, a distance of 20 feet, more or less, to the east line of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$, the east property line; thence southerly along said east property line, a distance of 192 feet, more or less, to the south property line; thence westerly along said south property line, a distance of 79 feet, more or less, to a point that is 240 feet northwesterly of and at right angles to the centerline of said project; thence N 16 $^{\circ}$ 00' 15" E, parallel to the centerline of said project, a distance of 200 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 30, T-19-S, R-2-W and containing 0.22 acres, more or less.