

STATE OF ALABAMA

CASE NO. L-828-76

Plaintiff

vs.

CONDEMNATION

E. F. KENDRICK
HAZEL KENDRICK

Defendants

On this the 1st day of November, 1976, Case set for pre-trial conference at 9:00 a.m.
November 11, 1976.

s/ K. Ingram, Judge

On this the 11th day of November, 1976, Order on Pre-Trial Hearing this day filed.

s/ James H. Sharbutt, Circuit Judge
Certified a true and complete copy

Dan Reeves, Jr.

Register of Circuit Court

Inst. # 9993-04670

02/17/1993-04670
03:31 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE

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On this the 10th day of December, 1976, Set for trial January 10, 1977 at 9:00 A.M.

s/ James H. Sharbutt, Circuit Judge

On this the 12th day of January, 1977, Jury and verdict as follows: "We, the Jury, assess and fix the damages and compensation, to the owners of the property, E. F. Kendrick and Hazel G. Kendrick, for the property described in the application for Condemnation filed in the office of the Probate Judge of Shelby County, Alabama, on the 5th day of January, 1976 at Ten Thousand Five Hundred Dollars. s/ P.M. Brasher, Forelady.

s/ James H. Sharbutt, Judge

ORDER AND DECREE OF CONDEMNATION

This cause came on for trial on the 10th day of January, 1977, on appeal from the order of condemnation made and entered in the Probate Court of this County on the 28th day of April, 1977. The parties to this proceeding came into open Court in thier own persons 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 the cause and the parties.

THEREUPON, the Court proceeded to hear 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 the 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 application of the petition 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 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 public improvements conctructed or installed thereon or thereover, be, and the same hereby is, granted and allowed.

THEREUPON, a jury having been legally demanded in said cause, and Court proceeds to have assessed by a jury the damages and compensation to which the Defendant owners are entitled for the condemnation of the parcel of property set out and described in said petition or application for condemnation and as hereinafter described.

THEREUPON, on the 12th day of January, 1977, a jury of good and lawful men and women, to-wit, P. M.Brasher, Forelady, and eleven others, who, being impaneled and sworn according to law, upon their oaths do say:

"We, the Jury, hereby assess and fix the damages and compensation to the Defendants and owners of the property, described in the application for condemnation, filed in the Office of the Judge of Probate of Shelby County, Alabama, on January 5, 1976, at \$10,500.00.

s/ P. M. Brasher, Forelady"

And now comes the Petitioner by its attorney and shows unto the Court that it has heretofore deposited with the Judge of Probate Court of Shelby County, Alabama, the sum of Fifteen Thousand and No/100 Dollars (\$15,000.00), as damages and compensation for the condemnation of the lands and interest in lands hereinafter described, which said sum has been transferred and delivered by the Judge of the Probate Court of Shelby County, Alabama, to the Clerk of this Court, who has heretofore paid therefrom the sum of Six Thousand Eight Hundred and No/100 (\$6,800.00) Dollars to the Defendants, E. F. Kendrick and Hazel Kendrick, pursuant to an order of this Court entered in this cause on the 11th day of June, 1976.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Court that the Petitioner State of Alabama paysaid sum of Ten Thousand Five Hundred and No/100 (\$10,500.00) Dollars plus the additional sum of One Hundred Fifty Eight and 14/100 (\$158.14) Dollars as interest in accordance with the stipulation of the parties made in open Court, or a total sum of Ten Thousand Six Hundred Fifty Eight and 14/100 (\$10,658.14) Dollars as damages and compensation to the Defendants for the land taken and condemned in this cause, and, further, that the costs of this proceeding be, and the same are hereby, taxed against the Petitioner. It is further ordered and adjudged by the Court that the Defendants are entitled to have and receive of the Clerk said sum of Ten Thousand Six Hundred Fifty Eight and 14/100 (\$10,658.14), less said \$6,800.00 heretofore paid, or the remaining sum of \$3,858.14 Dollars as damages and compensation in this cause and that said Petitioner is entitled to a refund of the difference between said Fifteen Thousand and No/100 (\$15,000.00) Dollars paid into Court and said sum of Ten Thousand Six Hundred Fifty Eight and 14/100 (\$10,658.14) Dollars, or a total of Four Thousand Three Hundred Forty One and 86/100 (\$4,341.86) Dollars, less costs of Court in this cause accrued, the Clerk of this Court being hereby authorized and directed to deduct said court costs from said sum of Four Thousand Three Hundred Forty-One and 86/100 (\$4,341.86) Dollars 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 interest in lands are hereby condemned and awarded to the Petitioner.

IT IS FURTHER ORDERED AND ADJUDGED by the Court that the Petitioner State of Alabama, be and hereby is 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 constructing, maintaining and repairing the public road, or highway for which said land is sought in the petition or application to the extent that said easements of access are shown to be condemned on the current right of way map 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 Parcel No. 2-Tract No. 11, said property description being attached hereto as Exhibit "A" and by reference hereto being made a part hereof.

DONE AND ORDERED this 12th day of January, 1977.

s/ James H. Sharbutt
Circuit Judge

EXHIBIT "A"

PARCEL NO: 2

Commencing at the northwest corner of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 5, T-19-S, R-1-W; thence southerly along the west line of said NW $\frac{1}{4}$ of SE $\frac{1}{4}$, a distance of 380 feet, more or less, to the north property line; thence easterly along said north property line, a distance of 249 feet, more or less, to a point that is 170 feet southwesterly of and at right angles to the centerline of said Project No. F-214(19) and the point of beginning of the property herein to be conveyed; thence continuing easterly along said north property line, a distance of 65 feet, more or less, to the present southwest right-of-way line of U. S. Highway No. 280; thence Southeasterly along said present southwest rightof-way line, a distance of 280 feet, more or less, to the south property line; thence westerly along said south property line, a distance of 120 feet, more or less, to a point that is 225 feet southwesterly of and at right angles to the center line of said project; thence northwesterly along a straight line, a distance of 70 feet, more or less, to a point that is 170

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feet southwesterly of and at right angles to the centerline of said project at Station 237+90; thence N 7° 26' 41" W, parallel to the centerline of said project, a distance of 230 feet, more or less, to the point of beginning.

Said strip of land lying in the NW¼ of SE¼, Section 5, T-19-S, R-1-W and containing 0.44 acres, more or less. **1993-04670**

THE OWNERS OF PARCEL NO. 2 ARE AS FOLLOWS:

E. F. Kendrick, Hazel G. Kendrick

02/17/1993-04670
03:31 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
004 MCD 14.00

STATE OF ALABAMA

Plaintiff }

CASE NO. L-1010-76