

STATE OF ALABAMA)
)
 PLAINTIFF)
)
 VS.)
)
 JAMES A. JONES &)
 MATTIE I. JONES)

CASE NO. L-979-76

CONDEMNATION

DEFENDANTS

On this the 4th day of February, 1977, Continued to next court term.

s/ James H. Sharbutt, Circuit Judge

On this the 2nd day of September, 1977, Continued to next court term.

s/ James H. Sharbutt, Circuit Judge

On this the 22nd day of September, 1977, Order on Pre-trial hearing filed.

s/ James H. Sharbutt, Circuit Judge

On this the 16th day of December, 1977, This case is continued due to the death of Buell Johnson who is material witness in this case and who would testify as to the appraised evaluation of the property.

s/ K. Ingram, Judge

On this the 3rd day of April, 1978 Settlement conference set on April 12, 1978, at 9:30 A.M., and set for trial May 8, 1978, at 9:00 A.M.

s/ K. Ingram, Judge

On this the 9th day of May, 1978, Continued to May 22, 1978.

s/ K. Ingram, Judge

On this the 31st day of May, 1978, Judgemnt by consent in favor of defendants and against the plaintiff for damages in the sum of \$190,500.00. Cost of Court and interest to be computed by the court and all as more fully shown by order to be filed.

s/ James H. Sharbutt, Judge

On this the 14th day of June, 1978, Final decree as shown by separate paper this day filed.

s/ James H. Sharbutt, Judge

ORDER AND DECREE OF CONDEMNATION

This cause came on for trial on the 31st day of May, 1978, on appeal from the Order of Condemnation made and entered in the Probate Court of this County on the 8th day of November, 1976. The parties to this proceeding cam into open Court in their own person 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 peition, and that the application of the Petitioner, State of Alabama, the Plaintiff herein, 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 putpose of constructing, maintaining, and repairing the public improvements constructed or installed thereon or thereover, together with all existing, future and potential easements of access between the right of way of the public way described in said petition and all the real property of the defendant remaining after the appropriation of said easement and right of way described in the petition, be, and the same hereby is, granted and allowed.

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 One Hundred Ninety One Thousand Five Hundred and No/100 (\$191,500.00) Dollars, 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 Probate of Shelby County, Alabama, to the Clerk of this Court, who has heretofore paid therefrom the sum of One Hundred Thirty Three Thousand Nine Hundred Twenty Eight and No/100 (\$133,928.00) Dollars to the Defendants, James A. Jones and Mattie I. Jones, pursuant to and order of this Court entered in this cause on the 19th day of November, 1976, and that said Clerk presently holds the remaining sum of Fifty Seven Thousand Five Hundred Seventy Two and No/100 (\$57,572.00) Dollars, together with One Thousand Five Hundred Twenty One and 18/100 (\$1,521.18) accumulated interest, or a total of Fifty Nine Thousand Ninety Three and 18/100 (\$59,093.18) Dollars on deposit in this cause.

And now come the Plaintiff and the Defendant in their own persons and through their attorneys and all consent and agree that the fair market value of the properties described in the application for order of condemnation in this cause is the sum of One Hundred Ninety Thousand Five Hundred and No/100 (\$190,500.00) Dollars, plus accrued interest to which the Defendants are entitled to receive in this cause on the difference between the agreed fair market value of said property and the amount which has heretofore been paid to said Defendants, said accrued interest being the sum of Five Thousand Two Hundred Ninety One and 42/100 (\$5,291.42) Dollars, and that the difference between said fair market value of said property plus accrued interest, which totals One Hundred Ninety Five Thousand Seven Hundred Ninety One and 42/100 (\$195,791.42) Dollars, less said amount of One Hundred Thirty Three Thousand Nine Hundred Twenty Eight and No/100 (\$133,928.00) Dollars which the Defendants have heretofore withdrawn, is the sum of Sixty One Thousand Eight Hundred Sixty Three and 42/100 (\$61,863.42) Dollars, which the Defendants are now entitled to receive from the Plaintiff.

And the Plaintiff and the Defendants do now each in open Court respectfully, and with the consent of the Court first had and obtained, withdraw their demands for trial by jury in this cause.

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, plus accrued interest to which the Defendants are entitled, is the sum of One Hundred Ninety Five Thousand Seven Hundred Ninety One and 42/100 (\$195,791.42) Dollars, as agreed upon by the parties, and that the total amount remaining to be paid to the Defendants is said sum of One Hundred Ninety Five Thousand Seventy Hundred Ninety One and 42/100 (\$195,791.42) Dollars, less said amount of One Hundred Thirty Three Thousand Nine Hundred Twenty Eight

Certified a true and complete copy

Dan Reeves, Jr.
Register of Circuit Court

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SHELBY COUNTY JUDGE OF PROBATE
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(Order and Decree of Condemnation Continued)

and No/100 (\$133,928.00) Dollars previously paid to said Defendants, as aforesaid, or the sum of Sixty One Thousand Eight Hundred Sixty Three and 42/100 (\$61,863.42) Dollars.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that the Defendants are now entitled to have and receive of the Clerk said sum of Sixty One Thousand Eight Hundred Sixty Three and 42/100 (\$61,863.42) Dollars as damages and compensation and accrued interest in this cause, and the Clerk of this Court is ordered forthwith to deliver to said Defendants or their attorneys of record in this cause the Fifty Nine Thousand Ninety Three and 18/100 (\$59,093.18) Dollars which said Clerk is presently holding. Upon payment of the remaining amount owed by the Defendant, being the difference between said Fifty Nine Thousand Ninety Three and 18/100 (\$59,093.18) Dollars which the Clerk now has and is ordered to deliver to the Defendants or their attorney and said amount of Sixty One Thousand Eight Hundred Sixty Three and 42/100 (\$61,863.42) Dollars which is total amount the Defendants are entitled to receive in this cause, or the sum of Two Thousand Seven Hundred Seventy and 24/100 (\$2,770.24) Dollars, plus costs of court accrued in this proceedings which are taxed against the Plaintiff, the hereinafter described lands and interests in land are hereby condemned and awarded to the Plaintiff, and upon payment thereof into Court by the Plaintiff, the Clerk of this Court is ordered and directed to deliver forthwith said remaining amount of Two Thousand Seven Hundred Seventy and 24/100 (\$2,770.24) Dollars which the Defendants are entitled to receive in this cause to said Defendants or their attorneys of record.

IT IS FURTHER ORDERED AND ADJUDGED by the Court that the Petitioner, State of Alabama, the Plaintiff herein, 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, together with all existing, future, and potential easements of access between the said property hereinafter described and all of the real property of the Defendants remaining after appropriation of said property to the extent that said easements of access are shown to the 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 vested out of the Defendant and hereby is vested in the Petitioner, State of Alabama, said property being more particularly described as follows:

tract of land designated as Tract No. 45, said property description being attached hereto as Exhibit "A" and by reference hereto being made a part hereof.

DONE AND ORDERED this 31st day of May, 1978.

s/ James H. Sharbutt
Circuit Judge

FILED IN OFFICE THIS THE 14th
DAY OF JUNE, 1978
s/ Kyle Lansford
Clerk of Circuit Court, Shelby County, Alabama

EXHIBIT "A"

SEE ON PAGE 403

EXHIBIT "A"

Exhibit "A"

SHELBY

TRACT NO. 45

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:

BOOK 42 PAGE 127

PARCEL NO. 1: Commencing at the southeast corner of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 30, T-19-S, R-3-W; thence northwesterly along the southwest property line, a distance of 23 feet, more or less, to a point on a line, which extends from a point that is 475 feet southeasterly of and at right angles to the centerline of Project No. I-65-2(37) at Station 327+00 to a point that is 405 feet southeasterly of and at right angles to the centerline of said project at Station 330+00 and the point of beginning of the property herein to be conveyed; thence continuing northwesterly along said southwest property line (crossing the centerline of said project at approximate Station 331+67) a distance of 625 feet, more or less, to the present southeast right-of-way line of Shelby County Road No. 17; thence northeasterly along said present southeast right-of-way line (crossing the centerline of said project at approximate Station 332+82) a distance of 560 feet, more or less, to the east line of said SE $\frac{1}{4}$ of NE $\frac{1}{4}$, the east property line; thence southerly along said east property line, a distance of 113 feet, more or less, to a point that is 135 feet southeasterly of and at right angles to the centerline of said road; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 5864.53 feet, parallel to the centerline of said road, a distance of 89 feet, more or less, to a point that is 135 feet southeasterly of and at right angles to the centerline of said road and 263 feet southeasterly of and at right angles to the centerline of Project No. I-65-2(37); thence south-easterly along a straight line, a distance of 434 feet, more or less, to a point that is 405 feet southeasterly of and at right angles to the centerline of said project at Station 330+00; thence southeasterly along a straight line (which if extended would intersect a point that is 475 feet southeasterly of and at right angles to the centerline of said project at Station 327+00) a distance of 156 feet, more or less, to the point of beginning.

EXHIBIT "A" CONTINUED

Said strip of land lying in the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 30, T-19-S, R-2-W and containing 3.53 acres, more or less.

The above described area includes a present 30 foot wide easement granted to the Alabama Gas Company which lies approximate 415 feet southeasterly of the centerline of said project from Station 326 to Station 330+00.

As a part of the consideration hereinabove stated there is also bargained, sold, conveyed and relinquished to the grantee all existing, future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No. I-65-2(37), County of Shelby, and all of the grantor's remaining property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the property conveyed by this instrument or are connected thereto by other parcels owned by the grantor.

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PARCEL NO. 2: Commencing at the northwest corner of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 30, T-19-S, R-2-W; thence easterly along the north line of said SE $\frac{1}{4}$ of NE $\frac{1}{4}$, the north property line, a distance of 293 feet, more or less, to a point on a line which extends from a point that is 890 feet northwesterly of and at right angles to the centerline of Project No. I-65-2(37) at Station 337+50 to a point that is 650 feet northwesterly of and at right angles to the centerline of said project at Station 346+50) and the point of beginning of the property herein to be conveyed; thence continuing easterly along said north property line (crossing the centerline of said project at Station 341+00) a distance of 1022 feet, more or less, to the east line of the said SE $\frac{1}{4}$ of NE $\frac{1}{4}$, the east property line; thence southerly along said east property line, a distance of 412 feet, more or less, to the present northwest right-of-way line of Shelby County Road No. 17; thence southwesterly along said present northwest right-of-way line (crossing the centerline of said project at approximate Station 334+08) a distance of 630 feet, more or less, to the southwest property line; thence northwesterly along said southwest property line, a distance of 890 feet, more or less, to a point on a line which extends from a point that is 200 feet northwesterly of and at right angles to the centerline of Shelby County Road No. 17 at Station 41+00 to a point that is 890 feet northwesterly of and at right angles to the centerline of Project No. I-65-2(37) at Station 337+50; thence northeasterly along said line, a distance of 39 feet, more or less, to said point that is 890 feet northwesterly of and at right angles to the centerline of said project at Station 337+50; thence northeasterly along a straight line (which if extended would intersect a point that is 650 feet northwesterly of and at right angles to the centerline of said project at Station 346+50) a distance of 179 feet, more or less, to the point of beginning.

EXHIBIT "A" CONTINUED

7-19-3, R-2-W and containing 14.12 acres, more or less.

The above described area includes a present 10 foot wide easement granted to the Alabama Gas Company which lies southeasterly of the centerline of said project and adjacent to the east property line from Shelby County Road No. 17 to the north property line.

As a part of the consideration hereinabove stated there is also bargained, sold, conveyed and relinquished to the grantee all existing, future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No. I-65-2(37), County of Shelby, and all of the grantor's remaining property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the property conveyed by this instrument or are connected thereto by other parcels owned by the grantor.

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THE OWNERS OF PARCEL NO. 4 ARE AS FOLLOWS:

JAMES A. JONES, and MATTIE I. JONES

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James A. & Mattie I. Jones
Tract No. 45
August 13, 1974

Inst # 1993-08457

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