

defendants for the sum of \$3,500.00 and cost of court. The Court finds that it is in the best interest of said minor plaintiff to enter said judgment for said amount.

s/ James H. Sharbutt, Judge

STATE OF ALABAMA

Plaintiff

CONDEMNATION

CASE NO. L-925-76

VS.

BRAXTON F. & MARY
B. TAYLOR

Defendants

On this the 4th day of February, 1977, Case set for pre-trial conference at 4:30 P.M. on February 15, 1977.

s/ James H. Sharbutt, Circuit Judge

On this the 15th day of February, 1977, Pre-trial conference continued.

s/ James H. Sharbutt, Circuit Judge

On this the 25th day of February, 1977, Case set for pre-trial conference at 11:30 A.M. on June 22, 1977.

s/ James H. Sharbutt, Circuit Judge

On this the 22nd day of June, 1977, Pre-trial Order to be filed within 10 days. (Lavette)

s/ James H. Sharbutt, Circuit Judge

On this the 5th day of July, 1977, Pre-Trial Order filed this date.

s/ James H. Sharbutt, Circuit Judge

On this the 6th day of July, 1977, Set for trial August 8, 1977 at 9:00 A.M.

s/ James H. Sharbutt, Circuit Judge

On this the 12th day of August, 1977, We, the Jury, hereby assess and fix the damages and compensation to Braxton F. Taylor and wife, Mary B. Taylor, owners of the property described in the application for condemnation filed in the office of the Judge of Probate of Shelby County on the 27th day of April, 1977, at \$87,320.00."

s/ James H. Sharbutt, Judge

On this the 12th day of August, 1977, Formal Judgment to be entered by the Court.

s/ James H. Sharbutt, Judge

Certified a true and complete copy

Dan Reeves, Jr.
Register of Circuit Court

1993-10144

04/13/1993-10144
03:24 PM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE

003 REC 11.30

ORDER AND DECREE OF CONDEMNATION

THIS CAUSE came on for trial on the 11th and 12th day of August, 1977, on appeal from the Order of Condemnation made and entered in the Probate Court of this County on the 19th day of August, 1976. The parties to this proceeding came into open court in their own persons and by their attorneys of record, entered an unqualified appearance and all parties announced ready for trial. The Court is of the opinion and finds that it has jurisdiction of this 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 said application of the petitioner 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 of right of way in, over, and upon the hereinafter described lands, together with 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 obstructions on said lands, and the right to enter upon said lands for the purpose of constructing, maintaining and repairing the public improvements constructed or placed thereon or thereover, be, and the same hereby is, granted and allowed, and the lands and all interest in lands sought to be acquired be, and the same hereby are, condemned for the uses and purposes set out in said petition or application for order of condemnation.

THEREUPON, a jury having been legally demanded in said cause, the Court proceeds to have assessed by a jury the damages and compensation to which the defendants 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 August, 1977, a jury of good and lawful men and woman, to-wit: Alma E. McWhorter, Forelady, and eleven others, who being impaneled and sworn according to law, upon their oaths do say:

"We, the Jury, assess and fix the damages and compensation to the owners of the property, Braxton F. and Mary B. Taylor, as described in the application for condemnation, filed in the Office of the Judge of Probate in Shelby County, Alabama, on the 27th day of April, 1976, at \$87,320.00.

s/ Alma E. McWhorter, Forelady"

And now comes the petitioner-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 Sixty Five Thousand and 00/100 (\$65,000.00) Dollars, as damages and compensation for the condemnation of the lands and interest in lands hereinafter described, which 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 Fifty Nine Thousand Four Hundred (\$59,400.00) Dollars to the said defendants, Braxton F. and Mary B. Taylor, pursuant to an order of this entered in said cause.

It is HEREBY ORDERED, ADJUDGED AND DECREED By the Court that the petitioner pay the additional sum of Twenty Nine Thousand Five Hundred Sixty Three and 07/100 (\$29,563.07) Dollars, being the difference between said sum of Eighty Seven Thousand Three Hundred Twenty and 00/100 (\$87,320.00) Dollars, and said sum of Fifty Nine Thousand Four Hundred (\$59,400.00) Dollars, and in accordance with the stipulation of the parties, the sum of One Thousand Six Hundred Forty-Three and 07/100 (\$1,643.07) Dollars, which sum is for accrued interest owing to the defendants, or a total sum

of said Twenty Nine Thousand Five Hundred Sixty Three and 07/100 (\$29,563.07) 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.

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, ADJUDGED AND DECREED by the Court that the petitioner, State of Alabama, be, and it hereby is, given and awarded a right of way and easement 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, 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, street, avenue or highway for which said land is sought to be, and hereby is condemned, and for the uses and purposes sought in the petition or application.

It is further ORDERED, ADJUDGED 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:

SEE PROPERTY DESCRIPTION ATTACHED HERETO

ORDERED, ADJUDGED AND DECREED BY THE COURT THIS THE 6th DAY OF September, 1977.

s/ James H. Sharbutt
JUDGE, CIRCUIT COURT

SHELBY

TRACT NO. 1, REV.

Shelby

and as shown on the right-of way, map of Project No. F-214(19) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

Commencing at the southeast corner of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 5, T-19-S, R-1-W; thence westerly along the south line of said SW $\frac{1}{4}$ of NE $\frac{1}{4}$, the south property line, a distance of 650 feet, more or less, to a point that is northerly of and at right angles to the traverse of a dirt road at Station 17+00 and the point of beginning of the property herein to be conveyed; thence continuing westerly along said south property line (crossing the centerline of Project No. F-214 (19) at approximate Station 231+98) a distance of 329 feet, more or less, to the present northeast right-of-way line of U. S. Highway No. 280; thence northwesterly along said present northeast right-of-way line, a distance of 996 feet, more or less, to the north property line; thence easterly along said north property line (crossing the centerline of said project at Station 222+01.6) a distance of 178 feet, more or less, to a point that is 150 feet northeasterly of and at right angles to the centerline of said project; thence S 70° 26' 41" E, parallel to the centerline of said project, a distance of 908 feet, more or less, to a point that is 150 feet northeasterly of and at right angles to the centerline of said project at Station 231+25; thence southeasterly along a straight line, a distance of 161 feet, more or less, to a point that is 70 feet northerly of and at right angles to the traverse of said dirt road at Station 17+00; thence southerly along a straight line (which if extended would intersect the traverse of said road at Station 17+00) a distance of 63 feet, more or less, to the point of beginning.

Said strip of land lying in the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 5, T-19-S, R-1-W and containing 4.36 acres, more or less.

04/13/1993-10144
03:24 PM CERTIFIED
Benton F. & Mary B. Taylor
Tracy County Judge of Probate
June 22, 1976 ACD 11.50