

**IN THE PROBATE COURT
OF SHELBY COUNTY, ALABAMA**

STATE OF ALABAMA,

Plaintiff,

vs.

CASE NO.: 32-147

**THOMAS L. PHILLIPS; HELEN H.
PHILLIPS; NELLIE B. PHILLIPS;
ANNETTE SKINNER, TAX
COLLECTOR, SHELBY COUNTY,
ALABAMA; ANY AND ALL PARTIES
CLAIMING ANY RIGHT, TITLE OR
INTEREST IN OR TO THE REAL
PROPERTY DESCRIBED HEREIN,**

Defendants.

DECREE OF CONDEMNATION BY PROBATE COURT

This cause coming on to be heard after submission of the report of commissioners heretofore appointed in this cause seeking an order of condemnation of the lands described in Attachment A attached hereto and in the said report of the commissioners filed in said cause and also described in the petition of the State of Alabama, for an order of condemnation; and it appearing that this Court previously heard the allegations of said petition and all legal evidence offered by the parties touching the same and it further appearing that this Court made an order granting said application for the condemnation of the property described in the said application or petition and as hereinafter described and did appoint George Seales, Henry Caton and J.D. "Buck" Faulkner, three citizens of Shelby County, Alabama, in which the lands sought to be condemned are situated and who were and are disinterested and who possess the qualifications of jurors in Shelby County, Alabama, as commissioners to assess the damages and the compensation to which the respondents or defendants described in said petition are entitled.

It further appears to this Court that notice of the appointment of the said three named persons as commissioners was issued by this Court, as required by law, and that service of such notice was accepted by each of said persons.

It further appears to this Court that the said commissioners, before entering upon the discharge of their duties in the premises, were sworn as jurors are sworn, and that they did thereafter receive all legal evidence offered by the parties touching the amount of damages the owners of said parcels of land will sustain and the amount of just compensation they are entitled to receive; and it further appearing to the Court that the said commissioners did on the 6th day of January, 1994, as to the tract numbered 7, as described in the said petition make a report in writing to this Court setting out the amount of damages and compensation ascertained and assessed by them which should be awarded as to the said respective tracts.

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*Ly. W. Noble
Barnett, Noble*

1994-02064

It further appears to this Court that the said commissioners did also file a certificate along with their award that none of them has ever been consulted, advised with or approached by any person in reference to the value of the land or the proceedings to condemn the same prior to the assessment of damages, and that they knew nothing of the same prior to their appointment.

It further appears to this Court that the damages and compensation ascertained and assessed by the said commissioners for the respondents or owners as to the parcels or tracts of land named above has been deposited in this Court, and that all things necessary and required by the laws of the State of Alabama have been done and performed by the State of Alabama, as plaintiff.

IT IS THEREFORE, ORDERED, ADJUDGED and DECREED and it is the judgment of this Court that property sought to be condemned in said petition for order of condemnation (as more particularly described as Tract 7 therein) be, and the same hereby, is condemned, granted, and awarded to the State of Alabama as plaintiff.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the plaintiff is hereby given and awarded fee simple title to and a right of way and easement in, over, on, and upon the hereinabove 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 lands are sought to be, and which hereby is, condemned, and for the uses and purposes sought in the petition or complaint for condemnation.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the fee simple title to and a right of way or easement, in, over, on, or upon the hereinabove lands be, and the same hereby is, divested out of the defendants in this cause and is hereby vested in the plaintiff, the State of Alabama, and the State of Alabama, the plaintiff in this cause, is hereby given and awarded the right to the immediate possession of the property hereinabove described for the uses and purposes set out in said petition or complaint for condemnation and as set out in this order.

IT IS FURTHER ORDERED, ADJUDGED and DECREED and it is the judgment of this Court that the parties whose names are set out hereinbelow are entitled to the amounts set forth below which said sums are ordered to be paid over to the respondents or defendants in this cause named hereinbelow for each said tract and, if by agreement of all the parties hereto or if otherwise necessary, jurisdiction is retained of this cause under Section 18-1A-291, Code of Alabama, 1975 and other relevant sections, so as to make any necessary distribution or apportionment of funds among the parties or respondents. The persons owning each respective tract and the amounts of just compensation awarded as to the said tract are as follows:

TRACT NO. 7 (\$52,200.00)

OWNER:

Thomas L. Phillips
3199 Cahaba Heights Road
Birmingham, Alabama 35243-5256

Helen H. Phillips
3199 Cahaba Heights Road
Birmingham, Alabama 35243-5256

Nellie B. Phillips
1022 1st Avenue North
Alabaster, Alabama 35007

LIENHOLDERS:

Annette Skinner
Tax Collector for Shelby County,
Alabama
Shelby County Courthouse
Shelby County, Alabama


United States of America
c/o Honorable Janet Reno
Attorney General
10th Street & Constitution Ave. N.W.
Washington, D.C. 20530

Honorable Claude Harris
United States Attorney
Hugo Black United States Courthouse
1729 North 5th Avenue
Birmingham, Alabama 35203

Any and all parties claiming
any right, title or
interest in or to the real
property described herein

IT IS FURTHER ORDERED, ADJUDGED and DECREED by this Court
that all costs incurred in this cause be, and the same hereby are, taxed against the
plaintiff, the State of Alabama.

ORDERED on this the 11th day of January, 1994.

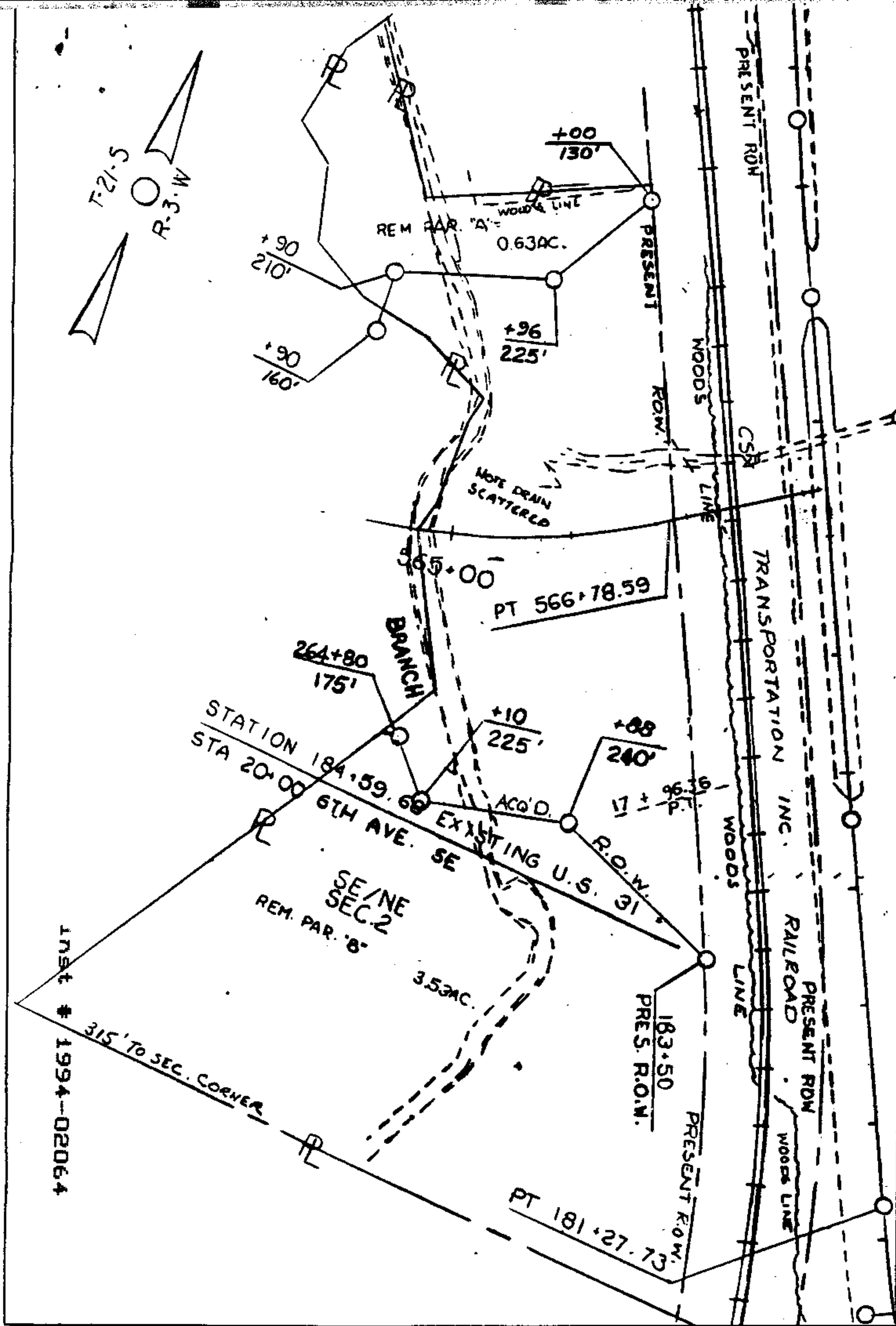


Judge of Probate in and for
Shelby County, Alabama

Part of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 2, Township 21 South, Range 3 West, Shelby County, Alabama, and being more fully described as follows: Commence at the southwest corner of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$; thence east along the south line of said SE $\frac{1}{4}$ of NE $\frac{1}{4}$, a distance of 935 feet, more or less, to the southwest right of way line of CSX Railroad; thence northwesterly along said southwest right of way line, a distance of 310 feet, more or less, to a point that is southwesterly of and at right angles to the centerline of survey of U.S. Highway #31 at Station 183+50 and the point of beginning of the property herein to be conveyed; thence northwesterly a distance of 165 feet, more or less, to point that is 240 feet southeasterly of and at right angles to the centerline of relocated Alabama Highway #119 at Station 265+88; thence southwesterly a distance of 125 feet, more or less, to a point that is 225 feet southeasterly of and at right angles to said relocated centerline at Station 265+00; thence northwesterly, a distance of 55 feet, more or less, to a point that is 175 feet southeasterly of and at right angles to said relocated centerline at Station 264+80; thence southwesterly along a line (which, if extended, would intersect a point that is 180 feet southeasterly of and at right angles to said relocated centerline at Station 562+00); a distance of 18 feet, more or less, to the northwest property line; thence northeasterly along said northwest property line, a distance of 58 feet, more or less, to the southwest property line; thence meander northwesterly along said southwest property line (crossing the centerline of said relocation at approximate Station 564+70), a distance of 370 feet, more or less, to a point on a line (which extends from a point that is 160 feet northwesterly of and at right angles to said relocated centerline at Station 563+90 to a point that is 210 feet northwesterly of and at right angles to said relocated centerline at Station 563+90); thence northwesterly along said line, a distance of 34 feet, more or less, to said point that is 210 feet northwesterly of and at right angles to said centerline at Station 563+90; thence northeasterly, a distance of 135 feet, more or less, to a point that is 225 feet northwesterly of and at right angles to said relocated centerline at Station 565+96; thence northeasterly, a distance of 107 feet, more or less, to a point on the southwest right of way of CSX Railroad that is 130 feet southwesterly of and at right angles to the center-

line of survey of U.S. Highway #31 at Station 190+00; thence southeasterly along the southwest right of way line of CSX Railroad (crossing the centerline of said relocation at approximate Station 566+90), a distance of 650 feet, more or less, to the point of beginning and containing 2.51 acres, more or less.

EXHIBIT A



Inst # 1994-02064

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TRACT NUMBER 7 STATE OF ALABAMA HIGHWAY DEPARTMENT
OWNER: THOMAS PHILLIPS PROJ. NO. STPAA-456(2)
COUNTY: SHELBY
TOTAL ACREAGE: 2.55 SCALE: 1" = 100'
R/W REQUIRED: 2.57 DATE: 8-3-92
REMAINDER: 4.04 REVISED: 9-21-92