

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

COUNTY BOARD OF EDUCATION
OF SHELBY COUNTY, ALABAMA,

Plaintiff,

CASE NUMBER 32-307
Inst # 1995-00822

vs.

VIRGINIA MADDOX, WALTER MADDOX,
MARY ETTA MARTIN or her heirs
devisees, if deceased, A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, AN, AO, AP, AQ, AR, AS, AT, AU, AV, AW, AX, AY, AZ, BA, BB, BC, BD, BE, BF, BG, BH, BI, BJ, BK, BL, BM, BN, BO, BP, BQ, BR, BS, BT, BU, BV, BW, BX, BY, BZ, CA, CB, CC, CD, CE, CF, CG, CH, CI, CJ, CK, CL, CM, CN, CO, CP, CQ, CR, CS, CT, CU, CV, CW, CX, CY, CZ, DA, DB, DC, DD, DE, DF, DG, DH, DI, DJ, DK, DL, DM, DN, DO, DP, DQ, DR, DS, DT, DU, DV, DW, DX, DY, DZ, EA, EB, EC, ED, EE, EF, EG, EH, EI, EJ, EK, EL, EM, EN, EO, EP, EQ, ER, ES, ET, EU, EV, EW, EX, EY, EZ, FA, FB, FC, FD, FE, FF, FG, FH, FI, FJ, FK, FL, FM, FN, FO, FP, FQ, FR, FS, FT, FU, FV, FW, FX, FY, FZ, GA, GB, GC, GD, GE, GF, GG, GH, GI, GJ, GK, GL, GM, GN, GO, GP, GQ, GR, GS, GT, GU, GV, GW, GX, GY, GZ, HA, HB, HC, HD, HE, HF, HG, HH, HI, HJ, HK, HL, HM, HN, HO, HP, HQ, HR, HS, HT, HU, HV, HW, HX, HY, HZ, IA, IB, IC, ID, IE, IF, IG, IH, II, IJ, IK, IL, IM, IN, IO, IP, IQ, IR, IS, IT, IU, IV, IW, IX, IY, IZ, JA, JB, JC, JD, JE, JF, JG, JH, JI, JJ, JK, JL, JM, JN, JO, JP, JQ, JR, JS, JT, JU, JV, JW, JX, JY, JZ, KA, KB, KC, KD, KE, KF, KG, KH, KI, KJ, KK, KL, KM, KN, KO, KP, KQ, KR, KS, KT, KU, KV, KW, KX, KY, KZ, LA, LB, LC, LD, LE, LF, LG, LH, LI, LJ, LK, LL, LM, LN, LO, LP, LQ, LR, LS, LT, LU, LV, LW, LX, LY, LZ, MA, MB, MC, MD, ME, MF, MG, MH, MI, MJ, MK, ML, MM, MN, MO, MP, MQ, MR, MS, MT, MU, MV, MW, MX, MY, MZ, NA, NB, NC, ND, NE, NF, NG, NH, NI, NJ, NK, NL, NM, NN, NO, NP, NQ, NR, NS, NT, NU, NV, NW, NX, NY, NZ, OA, OB, OC, OD, OE, OF, OG, OH, OI, OJ, OK, OL, OM, ON, OO, OP, OQ, OR, OS, OT, OU, OV, OW, OX, OY, OZ, PA, PB, PC, PD, PE, PF, PG, PH, PI, PJ, PK, PL, PM, PN, PO, PP, PQ, PR, PS, PT, PU, PV, PW, PX, PY, PZ, QA, QB, QC, QD, QE, QF, QG, QH, QI, QJ, QK, QL, QM, QN, QO, QP, QQ, QR, QS, QT, QU, QV, QW, QX, QY, QZ, RA, RB, RC, RD, RE, RF, RG, RH, RI, RJ, RK, RL, RM, RN, RO, RP, RQ, RR, RS, RT, RU, RV, RW, RX, RY, RZ, SA, SB, SC, SD, SE, SF, SG, SH, SI, SJ, SK, SL, SM, SN, SO, SP, SQ, SR, SS, ST, SU, SV, SW, SX, SY, SZ, TA, TB, TC, TD, TE, TF, TG, TH, TI, TJ, TK, TL, TM, TN, TO, TP, TQ, TR, TS, TT, TU, TV, TW, TX, TY, TZ, UA, UB, UC, UD, UE, UF, UG, UH, UI, UJ, UK, UL, UM, UN, UO, UP, UQ, UR, US, UT, UY, UZ, VA, VB, VC, VD, VE, VF, VG, VH, VI, VJ, VK, VL, VM, VN, VO, VP, VQ, VR, VS, VT, VU, VV, VW, VX, VY, VZ, WA, WB, WC, WD, WE, WF, WG, WH, WI, WJ, WK, WL, WM, WN, WO, WP, WQ, WR, WS, WT, WU, WV, WW, WX, WY, WZ, XA, XB, XC, XD, XE, XF, XG, XH, XI, XJ, XK, XL, XM, XN, XO, XP, XQ, XR, XS, XT, XU, XV, XW, XX, XY, XZ, YA, YB, YC, YD, YE, YF, YG, YH, YI, YJ, YK, YL, YM, YN, YO, YP, YQ, YR, YS, YT, YU, YV, YW, YX, YY, YZ, ZA, ZB, ZC, ZD, ZE, ZF, ZG, ZH, ZI, ZJ, ZK, ZL, ZM, ZN, ZO, ZP, ZQ, ZR, ZS, ZT, ZU, ZV, ZW, ZX, ZY, ZZ.

Defendants.

FINAL ORDER

This cause coming on to be heard on this day for a final decree confirming the report of the commissioners heretofore appointed by the Court in this cause, and for an order of condemnation in pursuance thereof, as to the lands described in said petition in said cause which was filed in this Court on the 28th day of April, 1994, and as described in said report; and it appearing to the Court that on the 15th day of June, 1994, this Court heard the allegations of said application and all the legal evidence touching the same, as to the land and parties described and named in said application, and did make an order granting said application for condemnation of certain lands, rights and interests therein, as prayed for in said application, and did also, in and by the terms of said decree appoint Charles Seales, J. D. Falkner, and Henry Caton, three citizens of Shelby County, Alabama, in which county the land sought to be condemned is situated, said men being disinterested, and possessing the qualifications of jurors, to assess the damages and compensation to which the land owners named in said application are entitled, and it further appearing to the Court that notice of the appointment of said three persons as commissioners was issued by the Court as required by law, and it further appearing to the Court that said commissioners, Charles Seales, J. D. Falkner, and Henry Caton, undertook to act and did act as commissioners under said appointment and order hereinabove specified and that before entering upon the discharge of their duties in the

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SHELBY COUNTY JUDGE OF PROBATE
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I certify this to be a true and
correct copy THOMAS A. SNOWDEN, JR.
Probate Judge
Shelby County

premises, they were sworn as jurors are sworn and as provided by law, and that they did thereafter view the lands sought to be condemned, and did thereafter receive all legal evidence offered by the party touching the amount of damages that the owners of said lands did sustain and the amount of compensation each was entitled to receive; and it further appearing to the Court that said commissioners did make and report in writing to this Court their report dated July 13, 1994, which said report was filed in the Probate Office on July 13, 1994, stating the amount of damage and compensation assessed by them for the owners of said land described in said application, which said awards are as follows:

Owners: Virginia Maddox
Walter Maddox

AMOUNT AWARDED: \$561,675.00

And it further appearing to the Court that said commissioners did also file along with their award, or report, a certificate that none of them had 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 said damages and that they knew nothing of the same prior to their appointment as such commissioners.

Now, therefore, it is ordered, adjudged and decreed by the Court that the report of said commissioners, together with said application, and all orders and decrees made in said cause, and the pleadings filed therein, be and the same are hereby ordered to be recorded.

It is further ordered, adjudged and decreed by the Court that applicant, County Board of Education of Shelby County, Alabama, a duly constituted public entity, pay all cost in this cause.

It further appearing to the Court that the commissioners found that the condemnees were not damaged except as shown hereinabove, and it further appearing to the Court that the court cost in said cause has been paid, all of which was paid by County Board of Education of Shelby County, Alabama, a duly constituted public entity; and the Court finding that the County Board of Education of Shelby County, Alabama has paid into this Court for disbursement to the parties herein named, all sums assessed as damages to the parcel described herein, if any, by the said Commissioners heretofore appointed, which said sums are now held by this Court for distribution to the persons, firms or corporations entitled thereto.

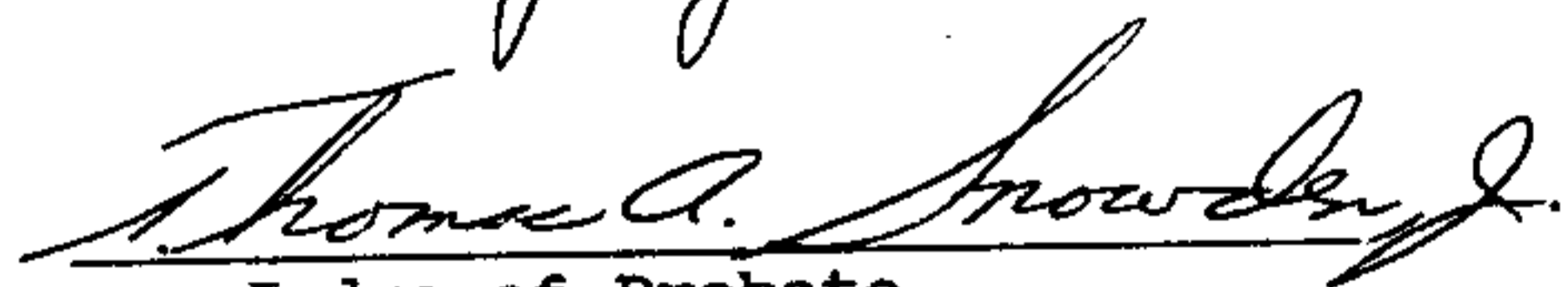
It is, therefore, ordered, adjudged and decreed by the Court that the land sought to be condemned as described in said application and report of appraisers, and all rights and interest therein described be condemned, granted and awarded to applicant, said County Board of Education of Shelby County, Alabama, and

with the rights and for the use and purposes set forth in said application, and that all right, title and interest prayed for in said application, which is now condemned, granted and awarded to the applicant in and by this decree, be and the same is hereby divested out of the said Virginia Maddox, Walter Maddox and Exchange Security Bank, Mary Etta Martin, Paul L. Vines and Mary W. (Penny) Vines, and the Estate of Violette Lorene Spence and invested in applicant, County Board of Education of Shelby County, Alabama, a duly constituted public entity; and it is further ordered, adjudged and decreed by the Court that the application for condemnation herein be and is hereby granted as to the parties and land named and described in the application and the relief, rights, interest, and privileges set out and described and prayed for in said application.

It is further ordered by the Court that prior to distribution of any money to the Defendants, Walter Maddox and Virginia Maddox, in this cause, or either of them, proof be submitted to this Court showing payment in full of that certain mortgage to Exchange Security Bank, dated June 28, 1963, in amount of \$60,000.00, recorded in Mortgage Book 284, Page 128, mortgage to Mary Etta Martin, dated May 21, 1976, in amount of \$4,000.00, recorded in Mortgage Book 355, Page 174, mortgage to Paul L. Vines and Mary W. (Penny) Vines, dated June 9, 1994, in amount of \$160,000.00, recorded as Instrument #1994-18602, Judgment in favor of The Estate of Violette Lorene Spence dated June 20, 1994, in amount of \$93,742.70, plus cost, recorded as Instrument #1994-21055, Case Nos. CV-89-621, CV-91-454 and CV-93-300, and that the North Shelby County Fire District dues have been paid in full and that the North Shelby County Library District dues are all paid in full; this Court specifically reserves the jurisdiction and power to allocate all or any appropriate part of the award or judgment herein to any and all persons, firms or corporations having any right, title, or interest in or to said property, or lien or encumbrance thereon.

It is further ordered that any sums paid into this Court by the Plaintiff shall be held pending a termination of the true and rightful person, firms or corporations entitled thereto.

Done this the 26th day of July, 1994.


Judge of Probate

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