

IN THE PROBATE COURT FOR SHELBY COUNTY, ALABAMA

STATE OF ALABAMA,

Plaintiff,

vs.

EVELYN N. CROCKER,
as recorded owner in fee
simple of certain designated
real estate; ARVIS CROCKER,
as spouse of Evelyn N.
Crocker; CENTRAL STATE
BANK, in its capacity as
mortgagee of certain desig-
nated real estate; and
ANNETTE SKINNER, in her
capacity as Tax Collector
of Shelby County,

Defendants.

PROBATE NO. 30-030

Inst # 1997-15832

05/21/1997-15832
11:36 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
005 MCD 18.50

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" Falkner, 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.

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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 14th day of August, 1991, as to the tract numbered 11-A, 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.

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.

652 It further appears to this Court that the damages and
69 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.

BOOK 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
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 land is sought
to be, and which hereby is, condemned, and for the uses and
purposes sought in the petition or complaint for condemnation as
amended.

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 as amended 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. 11-A (\$61,000.⁰⁰)

OWNER: Evelyn N. Crocker and Arvis Crocker

LIENHOLDERS: Central State Bank and Annette Skinner, Tax Collector of Shelby County, Alabama

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 26th day of August, 1991.

Thomas G. Snowden
Probate Judge of Shelby County,
Alabama

I certify this to be a true and
correct copy 5/21/97
Probate Judge
Shelby County

EXHIBIT "A"

TRACT NO. 11A - Shelby County, Alabama:
Project ST-44-8

described as follows: and as shown on the right-of-way map of Project No. S-44(8) of record with the State of Alabama Highway Department, a copy of which is also deposited in the Office of the Judge of Probate of Shelby County, Alabama as an aid to persons and entities interested therein and as shown on the Property Plat attached hereto and made a part hereof:

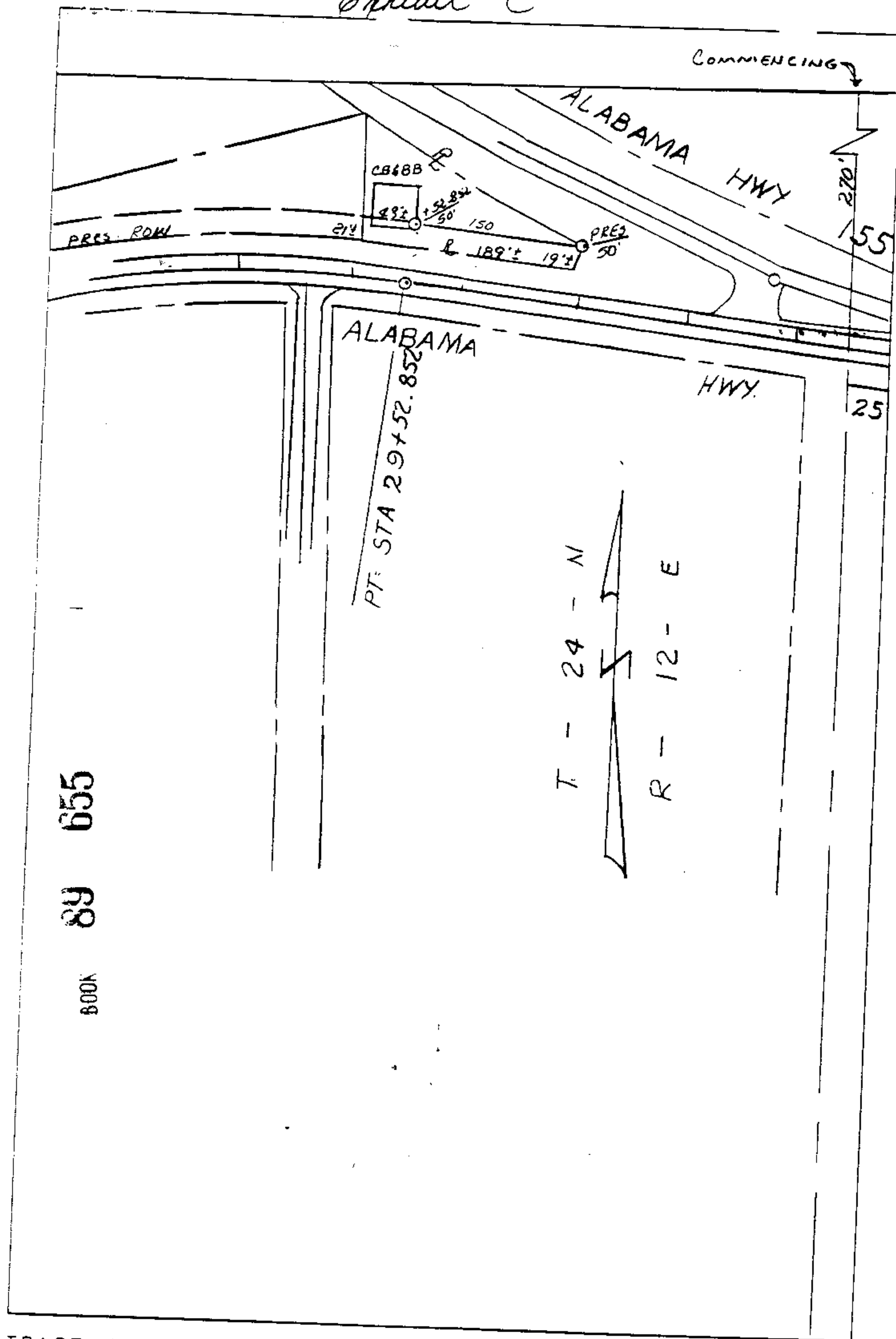
Commencing at the northeast corner of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 3, T-24-N, R-12-E; thence southerly along the east line of said SE $\frac{1}{4}$ of NW $\frac{1}{4}$, a distance of 270 feet, more or less, to the centerline of Project No. S-44(8); thence N 84° 18' 28" W, along the centerline of said project, a distance of 398 feet, more or less, to Station 29+52.852; thence turn an angle of 90° 00' to the right and run a distance of 50 feet to a point that is 50 feet northeasterly of and at right angles to the centerline of said project at Station 29+52.852 and the point of beginning of the property herein to be conveyed; thence S 84° 18' 28" E, parallel with the centerline of said project, a distance of 150 feet, more or less, to a present right-of-way flare connecting the present southwest right-of-way line of Alabama Highway No. 155 and the present northeast right-of-way line of Alabama Highway No. 25; thence southwesterly along said present flare, a distance of 19 feet, more or less, to said present northeast right-of-way line; thence northwesterly along said present northeast right-of-way line, a distance of 189 feet, more or less, to the west property line; thence northerly along said west property line, a distance of 21 feet, more or less, to a point that is 50 feet northerly of and at right angles to the centerline of said project; thence southeasterly along a curve to the right (concave southerly) having a radius of 1059.15 feet, parallel with the centerline of said project, a distance of 48 feet, more or less, to the point of beginning.

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Exhibit "C"



Inst # 1997-15832

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TRACT NUMBER 44A STATE OF ALABAMA HIGHWAY DEPARTMENT
OWNER: Evelyn N. Crocker PROJ. NO. S-44(8)
COUNTY: SHELBY
TOTAL ACREAGE: 0.280
R/W REQUIRED: 0.080
REMAINDER: 0.200
SCALE: 1" = 100'
DATE: 10-30-90
REVISED: _____